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HUMAN RESOURCES PLANNING AUDIT Ontario Public Transit

Final Report February 1994

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A Partnership Perspective

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February 1994

The Honourable Gilles Pouliot
Minister of Transportation
Government of Ontario
TORONTO, Ontario

HUMAN RESOURCE PLANNING AUDIT

Dear Mr. Pouliot:

We are pleased to submit to you the Report of the Human Resource Planning Audit (HRPA) of Ontario Public Transit.

We have arrived at this report following an extensive process of consultation and steering committee meetings drawing on participants from across the Province, consideration of research reports that were commissioned, and numerous meetings on our part.

The process has been an extremely rewarding exercise, especially in light of the complex and controversial issues we examined. We listened to testimony from transit workers and their representatives and found that there are some fundamental strengths and weaknesses within our public transit system in Ontario that must be addressed in the short-term.

We also recognize and appreciate the enormous cooperation and assistance of public transit officials, who set aside any reservations about this initiative, and provided candid and honest commentary about the state of their local transit systems and the industry in general.

We believe that we have dealt effectively with the terms of reference your Ministry set out for us in May of 1992. However, in order to present to you a comprehensive reform model we have had to undertake a holistic approach to issues confronting the Ontario Transit Industry. Consequently, our comments and recommendations are not limited to a narrow traditional labour relations focus.

In submitting this report to you it is our hope that our research efforts and recommendations will result in a strengthening of labour, management and government partnerships as we collectively learn and adapt to the changing economic and political climate. This report represents a starting point in which stakeholder debate and discussion will be critical. We believe your Ministry can play a crucial role in this process as we begin to respond to the challenges facing Ontario Public Transit.

Yours very truly,

Wally Majesky
HRPA Consultant

Gary Majesky
HRPA Consultant

ACKNOWLEDGEMENTS

We, the members of the Human Resource Planning Audit (HRPA) of Ontario Public Transit, would like to thank our union membership and transit organizations for being so agreeable during our absence from home during the course of the project. In particular, we would like to thank the Amalgamated Transit Union Canadian Council, who without their support, this project would not have happened.

We would also like to compliment the many transit workers and officials who willingly discussed the current state of the Ontario Transit Industry. In addition, we wish to compliment those members of labour, industry, government, suppliers, and arbitrators, who took the time to discuss and submit insightful information to the HRPA project staff. Often, this additional support was done on their own time.

We would also like to thank the Labourer's Local 183 who donated their wonderful board room for 2 Steering Committee meetings, and demonstrated that in addition to building subways, they are committed to supporting public transit initiatives when called upon. We also wish to thank the Howard Johnson Plaza, a recent United Food and Commercial Workers (UFCW) pension acquisition, for their cooperation and courteous service, especially when we had to cancel and re-schedule steering committee meetings on short notice.

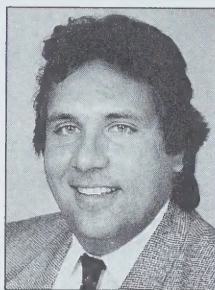
On a final note, we wish to express our gratitude to Our Times, and in particular, Barb Bailey, who did all the design and artwork associated with the report. They made our dreary text come to life! Finally, we would like to thank FP Labour Consultants and Steering Committee members for their time, energy and assistance in the writing of this report. All references and consultation contacts available upon request, telephone: (905) 470-6050.



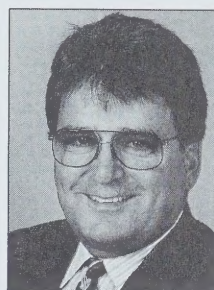
HUMAN RESOURCE PLANNING AUDIT Steering Committee



Wally Majesky
FP Labour Consultants



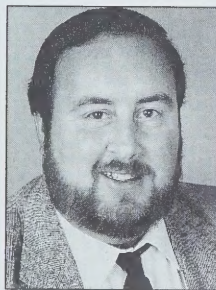
Gary Majesky
FP Labour Consultants



Ken Foster
ATU Canadian Council



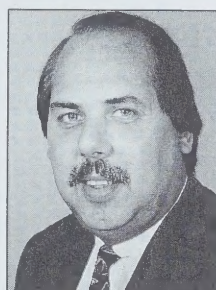
Brian Meighan
MTO, Program Adviser



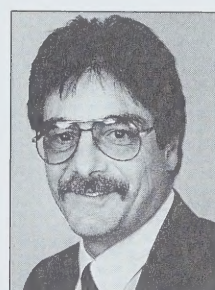
Bob Pepper
ATU 1572 Mississauga



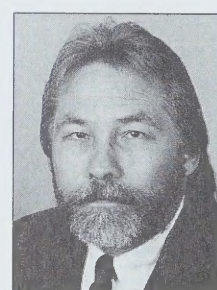
Paul Kebic
ATU 1585 Hamilton



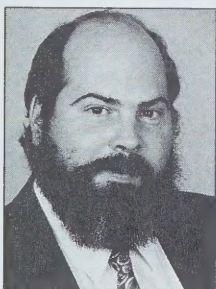
Larry Kinnear
ATU 113 Toronto



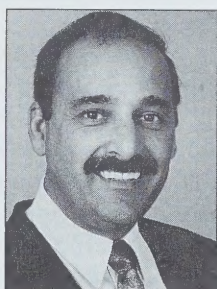
Robert Leathorn
ATU 741 London



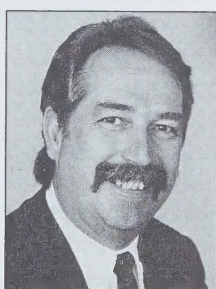
Paul Lauzon
ATU 616 Windsor



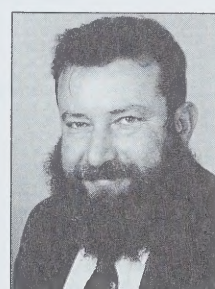
Dan Campbell
ATU 966 Thunder Bay



Ray Desormeaux
ATU 1582 Niagara Falls



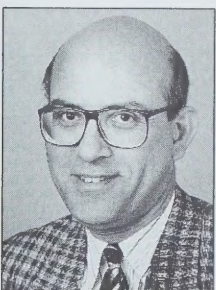
Randy Graham
ATU 279 Ottawa



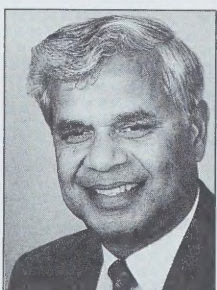
Kim Cheeseman
ATU 107 Hamilton



Doug Haffie
ATU 1320 Peterborough



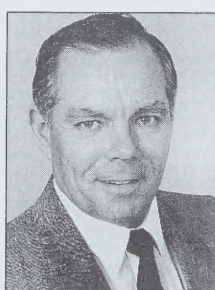
Sid Karlinsky
Apprenticeship Client
Services, OTAB



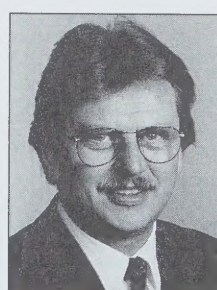
Twiab Khan
MTO Corporate Policy



Dave Ferguson
MTO, Public Transit
Office

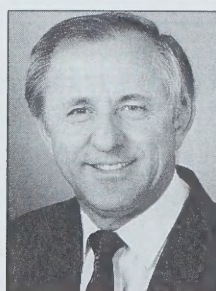


Doug O'Connell
ATU 685 Brantford

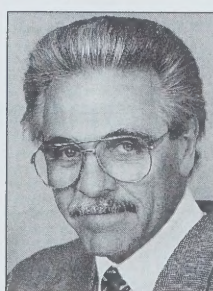


Simon Clarke
ATU 1587
Go Transit

TRANSIT INDUSTRY EXTERNAL ADVISORS



Al Cormier
OUTA



Ed Dowling
Mississauga Transit



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HUMAN RESOURCE PLANNING AUDIT EXECUTIVE SUMMARY

BACKGROUND

In response to a need, the Ministry of Transportation (MTO) entered into an agreement with the Amalgamated Transit Union (ATU) and FP Labour Consultants for the purpose of an investigation to develop a better understanding among all stakeholders regarding labour issues and concerns in the Ontario Transit Industry.

After several meetings with officials from the MTO, ATU, and FP Labour Consultants, the final terms of reference were established and approved on May 27, 1992. To support the far reaching mandate of the Human Resource Planning Audit (HRPA) study a Steering Committee was created to manage all aspects of the project.

The MTO broadly distributed the material to all external stakeholders (Ontario Urban Transit Association [OUTA], Transit Operators, Transit Unions, Municipalities, and Ministry of Skills Development and Labour) for their comment. The HRPA study included representation from: ATU (12), FP Labour Consultants (2), OUTA (1), Transit Operator (1), , Ministry of Transportation (3), Ministry of Labour (1), Ministry of Skills Development (1). The HRPA project was also recognized as a pioneering effort in bringing together transit unions from across the province to participate in the research and steering committee activities.

The consultants convened a Think Tank on January 20, 1992 to advise all Ontario ATU Locals of the project status, and to seek amendments with respect to the research activities. The ATU steering committee delegates were also selected at this time. Regular Steering Committee meetings were also conducted in 1992 (May 11, September 3); and 1993 (January 11, May 6, and October 15); and 1994 (February 1). The purpose of these meetings was to provide input from labour, management and government; and to validate consultant findings, and to formulate and approve HRPA recommendations.

The Steering Committee concept, which was promoted by the Ministry of Transportation worked well through the duration of the project. In fact, it allowed the Steering Committee members to participate in a process which has emerged as a trend in labour/management partnership initiatives. This appears to have strengthened trade union stakeholder commitment to the partnership process, as well as understanding the importance of strategic planning, which was achieved through the many critical thinking exercises.

One of the hallmarks of the HRPA project was the level

of external consultation e.g. unions, transit operators, industry representatives, consultants, suppliers, and Ontario government officials. In fact, consultation was a key component in respect to the research activities of the consultants. In addition, many transit union stakeholders not part of the formal research undertaking were consulted, but also indicated that upon completion of the HRPA project they require a briefing by the project consultants (Canadian Union of Public Employees, Canadian Brotherhood of Railway Transport and General Workers, International Brotherhood of Electrical Workers, and Canadian Auto Workers) as per the terms of reference. The project was also an open process and sought input, where necessary, from key stakeholders at various stages of the study.

INTRODUCTION

The HRPA report addresses many of the factors affecting public transit e.g. demographic, technological, socio-economic, competition, labour relations, training, working conditions, and labour/management partnerships.

In terms of project objectives, the Amalgamated Transit Union and the Ministry of Transportation anticipate that the project will allow transit unions:

1. To better understand the demographic trends that influence the demand for transit services by public and private delivery agencies.
2. To learn the economic, political, and competitive factors that transit employers will consider and deal with; and how these factors change the collective bargaining environment.
3. To train key union leadership to deal with "structural change" so that they can make more competent decisions about their work lives and emerging trends in public transit.
4. To foster better relationships among the interested parties - provincial government, municipalities and unions. More importantly, the Ministry of Transportation would better understand labour positions and attitudes.
5. To reduce transit operating costs (over the long-term) through expected implementation of the study's Blueprint for Partnerships. The Blueprint for Labour Management Partnerships addresses industry deficiencies in delivery of training and development; labour

HUMAN RESOURCE PLANNING AUDIT EXECUTIVE SUMMARY

relations; occupational health and safety; performance management, and human resource planning issues.

6. To assess and formulate a strategy on how to coordinate training and its related costs for the transit industry, and to assess the strengths and weakness of the current training activities in Ontario Transit.

With respect to the HRP project findings, the consultants reviewed and prepared 12 issue papers, as well as a report entitled Blueprint for Labour Management Partnerships which is appended to the Executive Summary. The sections listed are as follows:

1. **LABOUR RELATIONS IN ONTARIO PUBLIC TRANSIT,**
2. **WORKER TRAINING IN THE TRANSIT INDUSTRY,**
3. **HEALTH AND SAFETY ISSUES IN ONTARIO TRANSIT,**
4. **SERVICE DELIVERY MODELS IN PUBLIC TRANSIT
(CONTRACTING OUT/PRIVATIZATION),**
5. **A RESPONSE TO PRODUCTIVITY PROGRAMS IN ONTARIO
PUBLIC TRANSIT,**
6. **VARIOUS SCHEDULING PROGRAMS IN ONTARIO TRANSIT
(10 hr. shift 4 day week),**
7. **VARIOUS SCHEDULING PROGRAMS IN ONTARIO TRANSIT,**
8. **TRANSIT INTEGRATION ISSUES AND HUMAN RESOURCE
CONCERNS,**
9. **CHILD CARE PROBLEMS: IMPACT ON EMPLOYEE
PRODUCTIVITY,**
10. **PART TIME OPERATORS: A LOVE/HATE AFFAIR,**
11. **CANADIAN RAILWAY OFFICE OF ARBITRATION AND
TTC/ATU 113 EXPEDITED ARBITRATION PROCESS,**
12. **FACTORS AFFECTING SERVICE IN THE 1990's**

The following are the key recommendations from sections 1-7 (above) which flow out of the HRP study findings. The full recommendations are listed in the Blueprint for Labour Management Partnerships section.

LABOUR RELATIONS IN ONTARIO TRANSIT

The HRP project was guided by a belief that labour relations in public transit must improve. Finding specific and uniform labour relations problems was not difficult, and in fact, there are many unique challenges facing the transit industry. The immediate challenge for the transit industry is to develop working partnerships in order to address the human resource issues of concern to both management and trade unions.

More importantly, successful labour management partnerships pro-actively resolve issues and develop mechanisms which allow for cooperation, communication, and problem resolution. One of the fundamental problems relates to the fact that the traditional mechanisms of collective bargaining and grievance processing are ill-suited forums to address emerging day-to-day issues between the parties. Practically speaking, grievance arbitration and collective bargaining are adversarial forum's, whereas there is a demonstrative need for labour relations to be predicated on a partnerships model. This also includes non-union properties.

HRPA RECOMMENDATIONS:

1. Implementation of expedited grievance arbitration procedures which allow the parties (management/labour) an opportunity to present their own cases at hearing, and to become less reliant on legal counsel.
2. Labour relations practices must be predicated on the basis of partnerships. Trade unions need to be involved in internal decision making processes, as well as meaningfully participate in the organizational process. Issues such as employment equity would benefit from a culture of partnership, especially in respect to program implementation.
3. Formal communication channels within all transit workplace's must be enhanced from an employer and trade union perspective. The nature, type and frequency of corporate communication must be re-evaluated through continual monitoring and communication audits. Specially, communication strategies must begin to recognize the changing demographic profile

HUMAN RESOURCE PLANNING AUDIT

EXECUTIVE SUMMARY

of transit workplace's, with a need identified to communicate more effectively with ethnic constituencies and those employees with literacy difficulties.

4. That the Ministry of Labour develop a pool of experienced third party neutrals (mediators, conciliators, and arbitrators) who understand the unique operating characteristics of public transit and who are regularly assigned to assist the parties in labour disputes.

TRAINING IN PUBLIC TRANSIT

No subject is more topical than "training". The HRP study reviewed the issue and found that critical philosophical differences exist between transit management and labour unions. As well, large transit operators have enjoyed significant autonomy in this area, which must be recognized. More importantly, current training initiatives appear in stark contrast to the policy directions enunciated by the Premier's Council and the Ontario Training Adjustment Board. Specifically, concern centres on whether labour has a role in the delivery of training, especially since labour is now disagreeing with management about the kind of training programs being offered.

In addition, the HRP study allowed transit workers and union officials a voice in formulating the kinds of training they feel is necessary for the productivity and efficiency of the transit industry, buttressed against the specific needs of workers with respect to skills upgrading. Finally, the report identifies a mechanism to rationalize and coordinate the multiplicity of transit training initiatives currently funded by the Ontario Government.

HRPA RECOMMENDATIONS:

1. Establish SSTC (Sectoral Skills Training Council) between the ATU and OUTA in the Ontario Transit Industry.
2. Establish a complementary component to the Centre for Transit Improvement (CTI) entitled "Centre for Human Resource Planning" which allows transit

unions to address all the human resource issues currently arising.

3. The development, implementation and administration of training programs should be subject to joint union management training structures (Joint Workplace Training Committee's).
4. Conduct a training needs assessment.

HEALTH AND SAFETY IN ONTARIO TRANSIT

The issue of health and safety is an important issue to all stakeholders whether from an injured workers perspective, lost productivity or the cost of Workers Compensation. In fact, there are substantial and very compelling reasons for the parties to take health and safety seriously, not to mention a legislative obligation for bi-partite cooperation.

The HRP report reviews the very substantial inroads made in the area of health and safety which reflects a commitment by the Ontario Government, Transit Industry and Trade Unions to address these issues. However, concern has been raised that the "joint health and safety" committee process is not working as effectively as originally envisioned. Given the general orientation of the HRP study in respect to partnerships, it appears that even when there are mandated and legislated mechanisms for "joint partnerships" there is a tendency for these initiatives to breakdown. This problem must be addressed for there to be meaningful partnerships.

HRPA RECOMMENDATIONS:

1. Health and Safety must become a corporate priority for all transit operators, which is visibly promoted. There must also be a recognition that these efforts can have very positive implications on sick days and WCB claims.
2. The Transit Industry must pro-actively provide preventative health and safety training to avert injuries.
3. There must be an expansion of training so that all members (union/management) of the Joint Health and Safety Committee(s) have received health and safety orientation or training.

HUMAN RESOURCE PLANNING AUDIT EXECUTIVE SUMMARY

PRODUCTIVITY PROGRAMS IN ONTARIO TRANSIT

Structural and organizational change has begun to grip the transit industry as transit systems grapple with declining ridership, decreased revenues, and capped funding from municipalities and the province. In response to these pressures, the transit industry has begun to restructure their maintenance and service operations with a view to cost savings. As a result, there are a myriad of approaches which have been undertaken that range from good to bad.

Transit unions however have expressed concern regarding the productivity review process i.e., selection of consultants, participation in the review, and mandate of the consultants. In fact, there is more experience that indicates that labour has enjoyed a marginal role in these activities. Whereas on the other end of the spectrum, certain transit unions have had a much more prominent role in these undertakings (TTC/ATU Local 113). The problems that were identified can be remedied by adhering to the following principles.

HRPA RECOMMENDATIONS:

1. Productivity programs must be a joint labour-management problem solving process.
2. Productivity programs must not be used for the singular purpose of down-sizing.
3. Productivity programs must develop a set of values predicated on trust and integrity.

SERVICE DELIVERY MODELS IN PUBLIC TRANSIT

Service delivery models (privatization, contracting-out, and publicly delivered) has become a very controversial issue

affecting most transit jurisdictions in Ontario. Interestingly, many transit systems have used some form of contracted services for maintenance or delivery of transit service. As background, there are many transit systems which competitively bid their transit services to the private sector. This situation is contrasted in many locations where only small amounts of maintenance or service are contracted to the private sector.

The problem that was identified by the HRP consultants relates to the fact that more and more work traditionally performed by unionized workers is being systematically contracted-out to the private sector. To some degree the Social Contract provides for some protection. On the other hand, transit unions believe that contracting-out is becoming more fashionable with municipalities, and that private interests are aggressively promoting contracted services. The issue of concern to the HRP study was whether "contracted services" represents good public transportation policy. In particular, the HRP consultants discovered that "contracting-out" will fast become the labour relations problem of the late 1990s given the recent interest by the private sector, municipalities, and trade unions. For this reason, some remediation is required.

HRPA RECOMMENDATIONS:

1. The new Centre for Human Resource Planning to review the contracting out issue with a view to establishing the bona fides of competitive bidding proponents measured against public transit policy objectives.
2. Establishment of criteria on the utilization of service contracts. Such contracts would be confined to specific, clearly defined projects of limited duration.
3. Establishment of a "contracting-out account" in which all monies spent by departments or agencies of government on contracted services are tabulated and available to the public. This should be done on a municipal basis (Department, Agency, Commission); as well as provincial (Ministry, Agency, Board or Commission).
4. Establishment of a Transit Fair Wage Policy as described in the HRP Transit Integration section.

HUMAN RESOURCE PLANNING AUDIT EXECUTIVE SUMMARY

VARIOUS SCHEDULING APPROACHES IN PUBLIC TRANSIT

One of the organizational foundations of public transit is service scheduling, which is typically a management driven process. Throughout the HRP study, significant concern was expressed by trade unions that scheduling was frequently a friction point between operators, unions, and management which has evolved into a labour relations and training issue. As a result, some transit operators have experimented with various approaches which solicit union input in the debugging process after schedules are generated. Transit management also recognize the importance of union involvement in this exercise and in many instances will pay designated union officials to assist in ensuring schedule integrity and conformance with the collective agreement.

Conversely, the evolution of this practice of allowing trade union officials a window on the scheduling process further requires that these designated union officials be acquainted with the various scheduling programs and the associated scheduling parameters (though management are also skill deprived). At this time, trade unions are more frequently being called upon to participate in a regular exercise of schedule enhancement to improve efficiency and workability. One of the problems unions are encountering relates to critical skill deficiencies related to scheduling software and program capabilities. As a general rule, union officials have no mastery of the mechanics of scheduling, but recognize they are being relegated to fiddle with the outputs, which has inherent limitations given their responsibility in this undertaking.

HRPA RECOMMENDATIONS:

1. Training support must begin to be offered to trade union officials charged with this responsibility. The type, scope, and nature of training can easily be dovetailed into current industry training activities used to familiarize management officials.
2. The Transit Industry should encourage union involvement in the scheduling process, and make accommodation for union participation, both in respect to time off regular duties, and without loss of

pay. Working models can be gleaned from the HRP report "Factors Affecting Service".

3. That a future Sectoral Skills Council address the issue of skill deficiency in respect to scheduling, an issue which is equally significant to management and union.
4. That transit unions must begin to investigate structures which address the issue of "scheduler continuity" that minimizes turnover occasionally associated with elected union officials.

TRANSIT INTEGRATION IN THE GREATER TORONTO AREA

Very recently the Ontario Government established a Task Force on Transit Integration in the GTA. The task force has recently completed its initial activities as it prepares to move into its second phase. Throughout this undertaking, the Amalgamated Transit Union felt that significant human resource concerns were not properly addressed which prompted the Ministry of Transportation to establish a mechanism for resolution of these concerns.

At this juncture, the outcome of this remedial effort remains unknown. However, numerous issues were raised in respect to service and fare integration which has significant operational and legal implications for the existing trade unions in Toronto, Mississauga, Brampton, and GO Transit. This Task Force clearly demonstrated that there exists a need for the Ministry of Transportation to develop a forum in which transit industry human resource concerns can be addressed. A reformed CTI model is currently being recommended:

HRPA RECOMMENDATIONS:

1. That the unresolved issues flowing from the ATU position paper in response to the Transit Integration Task Force are an example of the types of issues that the proposed Centre for Human Resource Planning would address.

HUMAN RESOURCE PLANNING AUDIT EXECUTIVE SUMMARY

CENTRE FOR HUMAN RESOURCE PLANNING

The raison d'être of the Human Resource Planning Audit was to establish the scope of human resource concerns in the Ontario Urban Transit Industry. In that respect, significant quantification and identification of issues was captured throughout the various reports. More importantly, the human resource planning theme of the HRP study has significantly amplified the need for a more regular and formalized structure to address these issues.

Specifically, issues relating to labour relations, validity of pre-employment screening, drug testing, contracting-out, part-time workers, employment equity, transit integration, health and safety, training, child care, and productivity schemes would benefit from this kind of tri-partite forum. More importantly, no such structure currently exists or is mandated to address these issues. Practically, the proposed Centre for Human Resource Planning would ensure labour, industry, and government consultation which could minimize duplication, coordinate MTO labour/management projects, and address common industry concerns among all stakeholders. More importantly, this Centre would provide

a truly sectoral process to address issues such as training and human resource issues, which could act as a early warning on issues, with the potential to save money. Currently, the MTO treats financial requests on an individual basis, as opposed to a sector with implications for inefficiency and duplication. Therefore the time is right for the Centre for Human Resource Planning. The HRP study clearly recognizes that there must be a reorientation to a "industry first policy" versus "individual transit properties first". This could be achieved through this structure. Secondly, the Centre for Transit Improvement (CTI) needs to achieve a clear objectivity, with a fundamental tenet that labour partnership be a priority. If such a process was in place, the MTO could have effectively dealt with the ATU human resource issues related to Transit Integration pro-actively, versus re-actively.

HRPA RECOMMENDATIONS:

1. That the Ministry of Transportation establish a Centre for Human Resource Planning which addresses the above noted concerns highlighted throughout the HRP study.





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The Human Resource Planning Audit of Ontario Public Transit was initiated by the Amalgamated Transit Union Canadian Council, and funded by the Ministry of Transportation has served as a innovative and important exercise allowing transit workers to explore the multiplicity of issues facing the transit industry as we prepare to enter the next century.

The goals and objectives of the HRPA undertaking were rather immense, given the limitations of time and resources. The consultants attempted to make-up for the many decades in which the concerns and issues of transit unions were relegated to after thought status. Clearly, times have been changing, and the transit industry (work processes, technology, funding) have exerted pressures which will require adaptation and cooperation between management and labour; but more importantly, an ability for transit unions to better understand and participate in the process of change that the transit industry is inextricably headed.

In fact, during the length of this project, the HRPA consultants were witness to part of the change process occurring at the Provincial and Municipal levels of government, which have directly impacted on the transit industry and unions. Issues such as disentanglement, transit integration, social contract, low-floor buses, productivity schemes, declining ridership and funding were some of the external pressures which transit unions were forced to deal with, not just in the short-term,

but the long-term. In fact, there is reason to believe that the political agenda facing the transit industry will be increasingly complex requiring new levels of cooperation and partnerships between management and labour in order to deal intelligently and fairly with issues affecting the industry. In fact, one of the underlying purposes of the HRPA research process was to involve transit unions in a process which facilitated critical thinking, and allowed union representatives an opportunity to reflect on a number of issues affecting the industry with a measure of detached objectivity. It was hoped that this would allow union representatives an opportunity to assess issues in a slightly different light, away from the glare of local union politics which can stymie creative thinking.

The project provided for the first time a mechanism for transit unions to collectively begin to address the issues affecting their industry and members. Yet, this kind of critical thinking process is something that transit management are highly involved in. The fact that transit unions are beginning to adopt strategic planning skills must be viewed as a positive development long overdue in the industry. As of the completion of the HRPA Report, the consultants are still not sure whether meaningful cooperation and dialogue can be nurtured into a working model throughout the Ontario Transit Industry. Clearly, some transit properties are more willing and committed to cooperation and partnerships, whereas others are still mired in an adversarial

approach to problem solving and conflict resolution. While the consultants found some bright spots in the industry, there were many chilling and worrisome situations where transit organizations are curiously out of step with the enlightened approaches of genuine union consultation and cooperation.

The HRPA research study was also guided by a Steering Committee consisting of members from transit management, labour, and Ontario government officials. The project drew on the expertise of the varied Steering Committee members. Represented on the HRPA Steering Committee from unions, management and government were the following individuals whose contribution was invaluable throughout the project. Mr. Ken Foster ATU Canadian Council, Mr. Larry Kinnear ATU Toronto, Mr. Paul Lauzon ATU Windsor, Mr. Robert Leathorn ATU London, Mr. Dan Campbell ATU Thunder Bay, Mr. Ray Desormeaux ATU Niagara Falls, Mr. Claude Belanger ATU Hamilton, Mr. Kim Cheeseman ATU Hamilton, Mr. Paul Kebic ATU Hamilton, Mr. Doug O'Connell ATU Brantford, Mr. Robert Pepper ATU Mississauga, Mr. Simon Clarke ATU GO Transit, Mr. Randy Graham ATU Ottawa, Mr. Brian Meighan MTO, Mr. Dave Ferguson MTO, Mr. Twiab Khan MTO. External Advisors Mr. Ed Dowling Mississauga Transit, Mr. Al Cormier OUTA, Mr. Wally Majesky FP Labour Consultants, and Mr. Gary Majesky FP Labour Consultants.

The Steering Committee meet sev-



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eral times during the tenure of the HRP research project and served an important role in facilitating round table discussions with respect to a host of issues affecting the industry ie., productivity schemes, scheduling, training, labour relations, transit integration, technology, and more. In fact, the Steering Committee discussions provided all participants an opportunity to express a range of opinions from a wide cross section of perspectives ie., management and union, representing small, medium and large sized transit properties. Key Steering Committee meetings have been documented in the form of summary discussions and listed as an addendum to the HRP Report.

In terms of the project methodology, the HRP consultants canvassed a diverse and large number of industry, union, and transit workers for their views on a range of issues affecting the industry. We believe that we have successfully tapped into the psyche of the transit unions and workers with respect to a wide range of operational issues affecting transit workers.

The HRP consultants reviewed the issues which have formed the basis of individual sections contained in the HRP Report ie., productivity programs, service delivery models, child care problems, part-time operators, arbitration procedures, scheduling programs, factors affecting service, labour relations, training, health and safety, transit integration, and transit funding. We believe that HRP Report represents a solid starting point for the key

stakeholder's in transit to begin to work together more cooperatively on mutual issues affecting the industry. The HRP Report will also be a practical learning tool for transit workers, management officials, or anyone interested in a general overview of the transit industry from a transit union perspective. In fact, the Amalgamated Transit Union has suggested that the final report may be used for educating union officers, as well as orienting new union members on the role of the union in Ontario transit. At this point in time, the report will be used to start a debate in the transit industry on the role of the union in respect to a variety of issues.

PRODUCTIVITY PROGRAMS

In respect to the issue of productivity programs in public transit, transit systems have been keenly involved in the search for productivity improvements. The experience of the HRP consultants is that the process of productivity enhancements appears wedded to engineering and management consultants who implement organizational change with little input from union stakeholder's. In fact, we found that productivity studies although varied in methodology, must ensure that the following values guide the process and include:

- trust and Integrity
- respect for the dignity of workers and the unions
- flexibility and adaptability
- cooperation with stakeholder's
- recognition of effort and achievement
- participation improves performance
- shared decision-making and problem-solving is more effective than that of individuals

A productivity program backs up these beliefs by structuring the organization so that workers:

- manage their own performance
- monitor their own work performance
- make proactive changes in the workplace
- understand the industry
- make decisions based on an understanding of the industry and other parts of the system
- provide higher levels of customer satisfaction

The HRP consultants believe that a transit worker must be able to do the right thing, rather than the prescribed thing. New organizational structures should encourage employees to take on these responsibilities. This type of organizational structure may feature:

- fewer levels of management
- autonomy and responsibility distributed throughout the organization
- self-managing work teams
- open communications
- pay for skills development



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The HRP consultants recognize that the creation of a new work system is a long, complex process. It is even more difficult when an industry is transforming itself from a traditional organization. That is one reason workers need a union as much as ever, even though good employers may now “value” their workers highly and wish to treat them accordingly.

We also found that Labour-management relationships are problem solving relationships rather than judicial or bargaining processes. Of course, traditional labour-management has some problem-solving aspect to it, and it often sets up problem-solving processes, for example, Health and Safety Committees.

A productivity program may require the union to act as a partner with management, to take on tasks, responsibilities and accountability usually reserved for management, such as planning and organizational development.

As with management, the type and amount of communications needed in a successful productivity program is greater than in a traditional environment. Unions also need to understand communications taking place within the entire organization. The union may share responsibility for training, including designing the curriculum and conducting classes. Where workers possess skills and talents, they should be encouraged to act as trainers.

Meeting management is a skill important not only to productivity programs but to the union in making its

own meetings more effective. Clearly, there is a need for the union to be skilled, competent, proactive, and an equal partner in any productivity program. Many unions struggle with this issue and their role trying to marshal adequate resources in the form of money, staff and leadership. The end result of a productivity program is that the effort makes for a stronger union - the expertise gained is transferable e.g. better stewards’ training and enhanced leadership skills. Clearly, if productivity programs are to work, managers should not assume that the union is less willing to change than top management. It is necessary to remind management that no matter how enlightened managers are, joint efforts should begin as soon as possible, even to the point of learning together about the productivity issue within the organization.

Management should welcome union participation and representation on every structure that is a part of the transition process. This means informal design groups as well as highly visible steering committees. Unfortunately, the current state of productivity reviews are predicated on an antiquated model that does not encourage full union participation, and in fact, borders on token participation which in the final analysis causes frustration and labour relations strife which vents itself in other areas of labour-management relations.

HRPA Productivity Recommendations:

1. Productivity programs must be a joint labour-management problem solving process.
2. Productivity programs must not be used for the singular purpose of downsizing.
3. Productivity programs must develop a set of values predicated on trust and integrity.

SERVICE DELIVERY MODELS IN PUBLIC TRANSIT

The issue of service delivery models is fast becoming the most important issue facing transit management and unions. In fact, service delivery models in the lexicon of public transit centres on the exclusivity of publicly delivered transit versus competitively bid, private sector operated transit service. To be certain, there are many examples where private bus contractors are providing transit service to municipal communities.

What the HRP consultants found was that private contractors appear more prevalent within the small transit property setting, although they provide various charter, line run, and accessible service in numerous communities throughout Ontario. What trade unions fear, is a result of witnessing the



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U.S. experience during the last decade and the devastation that was wrought because of legislatively mandated "competitive bidding" and privatization of municipal transit services. Many Ontario transit unions are very worried about the current political debate whether or not municipal transit service should be contracted out or privatized. Recent campaigns by the Motor Coach Industry to have a more visible and prominent role in delivering transit services has caused a great deal of consternation that traditional union jurisdiction will be eroded as more transit service is provided by outside contractors. This can happen in respect to the loss of charter work, and more commonly, contracting out accessible and ambulatory services to the private cab industry.

The HRP consultants found that at one time the lines of demarcation were clearly delineated regarding the balance between public and private delivered transit service. With a historical bias in favour of publicly delivered transit with subsidized funding. However, over the last several years, there has been a tremendous orientation to cost containment, which has led more and more people to investigate competitive bidding as a way to save money. In fact, the MTO has provided support in the form of "how-to" materials to assist a transit property in using the tendering system to contract out transit service. Against this backdrop is the general decline in the health of public transit (ridership) which has exerted significant pressures

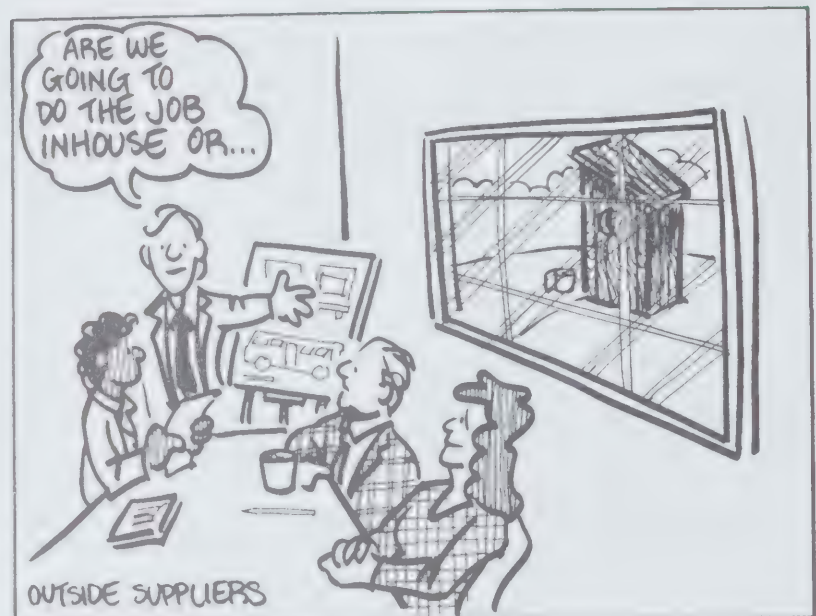
in terms of down-sizing/right-sizing. This had led to a general mood of pessimism and uncertainty regarding job security among transit workers, with a view that contracting-out is a further threat to the economic well being of public transit workers i.e., wages, benefits, and working conditions. Which in some instances have been the result of upwards to a century of labour management negotiations.

Contracting-out is not an insignificant issue. In fact, it is at the centre of most collective bargaining sessions, or hidden somewhere in a municipal transit corporate strategy, which seeks to integrate private operators within the family of services provided by municipal transit. Within this context, transit

workers have become quite anxious and concerned about the role of private carriers or contracted transit services. Rightly so. The HRP consultants reviewed the issue of contracting-out from a transit union/worker perspective with respect to their frustrations and concerns about contracted labour.

The HRP consultants also provided a legal overview of contracting out and examined collective agreement language which provides protection to this potential problem. The consultants found that there are four major concerns with contracting out and privatization of municipal transit systems.

1. Privatization establishes the wrong priority for public transportation sys-





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tems. The primary goal of municipal transportation policy should be to improve speed, safety, and convenience of travel. The primary goal of privatization policy is to reduce the tax money that publicly owned systems receive to transport transit-dependent people.

2. Contracting out and privatization confuses efficiency and effectiveness of transportation systems with lowering cost on individual routes. Contracting out and privatization advocates assume that urban transportation networks are merely a collection of separable routes rather than complete systems.

3. In the United States under Federal legislation, one of the main criticisms of the purported savings through privatization has been the methodologically flawed approach to how these figures were computed. Specifically, the flaws which were flagged are:

- compare the “fully allocated” public cost for a given route, which includes a share of the cost for planning, programming, financing, marketing, monitoring, and coordinating an entire transportation network, with the private bid for a route, which does not apply. For labour is the only component usually contracted from the private contractor.
- Failure to compare the allocated cost of running a public system to the initial bid by a private contractor. Since it is common practice to deliberately underbid in order to get the first contract and capture the market,

bids cannot be assumed to represent the actual cost of private operation, which ultimately will be passed on to the public.

- Ignore the furnishing to private contractors of public equipment and services in the calculation of private costs.
- Does not measure any differences in quality of service such as travel time, reliability, comfort - that may result from privatization. Inasmuch as the cost of any service can be lowered by reducing the quality of service, ignoring such changes makes cost comparisons meaningless.

4. Finally, the hope for savings from contracting out and privatization rests upon an inaccurate conception of how public contracting operates in practice.

In fact, the HRP consultants found that the next source of friction in labour-management relations will undoubtedly be related to “competitively bid” transit services, and what role private contractors may play within the transit jurisdiction of established trade unions. The consultants would also note that the issue of contracting-out is not limited to the transportation service, but is equally a problem with maintenance services which are routinely contracted out. Services such as engine and transmission rebuilds, body and paint work, and component rebuilds, are some of the maintenance services that rely on outside contractors.

The HRP consultants reviewed

the numerous collective agreements between the parties in Ontario Transit and found that there are very little protection’s contained in most collective agreements to protect against contracting out.

HRPA Contracting Out Recommendations:

1. The proposed Centre for Human Resource Planning review the contracting out issue with a view to establishing the bona fides of competitive bidding proponents.

2. Establishment of restrictions on the utilization of service contracts. Such contracts would be confined to specific, clearly defined projects of limited duration. It follows therefore, that there would be no contracting out of work which should and could be done by transit employees.

3. Where skill shortages are identified within the transit property, and the industry, it should be discussed with appropriate training structures within the transit property (JWTCs), or Sectoral Skills Training Council, if one is established. Further, some assessment should be undertaken which reviews the situation, from a skills analysis perspective, and to a remedial action plan which attempts to determine if certain skills should be learned, trained, and institutionalized within the transit property. This would most suitably fall within the scope of a periodic training assessment that most organizations conduct for planning purposes. In situations where a strategic planning process



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is undertaken, at various annual intervals, it may make sense to review training priorities within this structure.

4. Establishment of a "contracting out account" in which all monies spent by departments or agencies of government on contracted services would be tabulated and available to the public. This should be done on a municipal basis - (department/agency/commission), as well as provincial (Ministry, Agency, Board or Commission).

VARIOUS SCHEDULING PROGRAMS IN PUBLIC TRANSIT

The HRP consultants reviewed numerous scheduling programs currently used by transit systems (Teleride Sage, TeleDISPATCH, TeleDRIVER, EasyCUTTER, OptiMISER, G/SCHED PLUS, TELE-FLEET, UMS's Trapeze, Giro-Hastus, Hastus-Minibus, Hastus-Roster, and Alige-Giro). Currently, the above noted products represent a wide cross section of computerized scheduling programs available to Ontario transit systems.

The purpose of this section was to provide an overview of the scheduling process i.e., service policy, traffic checks, summarizing checks, maximum passengers on board, methods of adjusting service, running time, data required for new routes, and service planning

considerations. Coupled with this overview, the HRP consultants examined the computerized programs from an operations perspective, and sought to obtain as much generic information about what these various computer programs do. The purpose was to educate transit unions on the technical aspects related to each of the programs and the kinds of information that transit management generates from their use. Transit unions are continually faced with scheduling problems and the consultants found that there was a demonstrable need for transit union officials to acquire greater technical skills in respect to the parameters of various scheduling programs.

Quite often, transit unions have designated officials who every board period review the schedules for their integrity and adherence to the collective agreement, as well as the generation of a maximum number of straights, etc. What we discovered was that transit management also realizes the importance of schedule integrity, and in most locations provide for union scrutiny of the schedules every board period. This provides the necessary checks and balances to ensure that the schedules are cost-effective, but also practical and humane. The political pressure for savings are immense, and schedulers are continually called upon to scrimp and save seconds here and there throughout the system, which has the overall effect of saving dollars. Buttressed against this reality is the fact that collective agreements provide for minimum guarantees

with respect to work rules, but more importantly, there is a necessity to measure whether the schedules generated are actually rider and service friendly. In other words, is the service coordinated and does it meet the requirements set out in the "service standards" policy if they exist. It is within the context of these unique dynamics that unions and management continually find themselves i.e., as the guardian of the collective agreement, but also whether the service standards are being adhered to.

Larry Kinnear, ATU Toronto

"Clearly, given the operational reality that scheduling is an important core activity of management and union personnel alike, it appears that union representatives require a greater degree of training regarding scheduling. This is also for day-to-day scheduling situations and problems; but in addition to begin developing an internal expertise which can be used to investigate and examine new scheduling innovations which might have traditionally drawn suspicion due to misunderstanding. This might allow transit unions to become more flexible and open to various scheduling proposals, either employer or union generated."

In terms of the concerns of transit unions, there was a general sense that computer programs, where used, are designed to save time and money, as well as increase scheduling efficiency. And in fact, many collective agreements confer to transit management the right to schedule and manage the



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system efficiently. Finding the right balance of management rights and union input is an art. Excessive cost cutting also destroys worker morale and ridership. So there are inherent checks and balances which force transit schedulers to ensure there is integrity in the schedules. Integrity with respect to humane schedules which workers will respect. And Integrity of service which riders have come to expect and demand. So there are limitations on how much tinkering can be achieved through tightening the schedules, before being confronted by the law of diminishing returns. But this is a process that gets played out every board period on every transit property in Ontario.

There is no question that transit workers appreciate straight crews (no split shifts). But the ability to provide these crews are continually haggard over especially in a tight fiscal environment. Without guarantees in the collective agreement, transit workers can only rely on good faith that straight crews quotas will be respected.

Transit unions have also developed some very unique approaches to reviewing schedules. Most local unions have arrangements with transit management which allows a union designate to review the schedules every board period. In fact, union officials try to de-bug the schedules and look for problem pieces of work. This process has proven to be very effective in preventing morale problems, whereas if the schedules were posted after being generated by scheduling, there would

probably be chaos and confusion within the operator ranks. So whatever cost in terms of lost time by union officials, and the time it takes for the union to review the schedules, has been deemed to be an important mechanism in assuring schedule integrity. More often than not, transit management will pay for the lost time incurred by the union designate involved in reviewing the schedules. In fact, good relations with scheduling personnel has proven to be an important aspect in developing schedules which save money, meet the expectation of transit workers, as well as provide good reliable service to riders. Striking this dynamic balance requires union-management cooperation and an ability for union officials to be technically conversant with scheduling software parameters. There is no question that transit union officials require more training in this vital operational area.

Transit unions have also been confronted with the issue of realistic running times. Statistical presumptions and periodic checks concerning "realistic running times" are a continual source of friction between operators and scheduling. For whatever reason, there is a unanimous consensus among transit unions that more work needs to be done in respect to reliable "time checks", especially under different conditions (traffic, weather). Union officials argue that time checks must be conducted using a bus that is in actual service, i.e., checks go out in rush hour and simulate actual service conditions.

In addition, the HRP consultants found that there was currently a need for union officials involved in the scheduling process to obtain training in the use of various scheduling programs. In fact, if union officials had the skills and training to use scheduling software they would be able to generate trial run-cuts, bench test different program parameters, and cost analyze union and employer demands. This would allow transit unions to cost out amendments or changes to working conditions that are being sought in collective bargaining.

Ken Foster, ATU Canadian Council

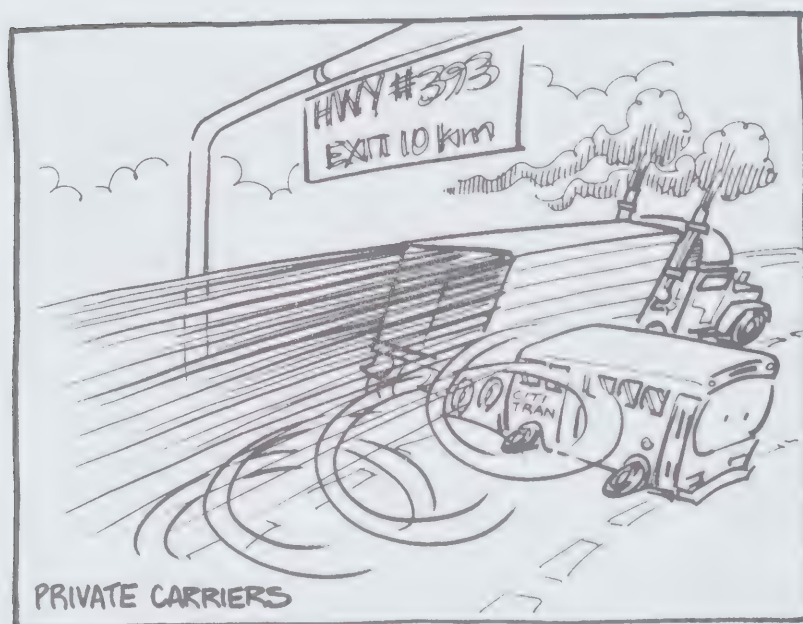
"The trade union must begin to investigate whether training can be provided to allow trade union officials assigned to monitor schedules an opportunity to acquire the necessary skills required to perform this vital function."

As a general rule, transit unions believe that anyone involved from the union must have a course in sign-up and computer scheduling. At this juncture, transit union officials are flying blind without the use of computer scheduling tools and skills essential to building schedules. It appears to be an operational reality that 2 people are required to de-bug schedules. Union officials are being called upon to examine schedules for integrity, but also, to give their blessing that the schedules are fair and realistic. Transit management realize it is important for the union to sanction



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the schedules as this tends to minimize complaints that the schedules are unfair or unrealistic. So by giving their blessing to the schedules, transit unions are assisting management in creating harmony among transit operators during new board periods. During the last 2 years, transit unions are now beginning to come to terms with union officer attrition, and how this negatively impacts on those people who have gained "scheduling skills" but lost an election. This brain drain has been very damaging to transit unions, and few solutions present themselves. One possible suggestion may rest with the possibility of using a non-political individual who acquires these skills, but is not subject to the whims and vagaries of elect-

ed office. This would appear the only way to insulate trained individuals from the occasional turnover sometimes associated with union elections. This is clearly an internal union situation, but one that must be recognized if further training is to be provided to transit union officials.

Ed Dowling, General Manager Mississauga Transit

"computer programs are only as good as the programmer. Computer doesn't know what's on the street. It's the parameters that count. You try to catalogue all the inputs so that the schedules reflect a greater realism, but in the end you must accept that it isn't a perfect science. Therefore, it's imperative to get union input."

On another level, union officials continually complain that transit management won't listen to union scheduling suggestions. There is a sense that the playing field is not level. The HRP consultants found that this situation should not surprise anyone, since the collective agreements provide fairly broad management rights, and no real mechanism for "co-determination" in respect to the scheduling of work. Those may be the hard and fast realities of the politics of scheduling, but there is another aspect to transit union concerns. In fact, unions view scheduling from a human perspective i.e., quality of working life, which can improve attendance and productivity. The HRP consultants were frequently told that the human element is missing in transit scheduling. Whereas scheduling personnel approach the situation from the perspective that if 2,000 of hours of work must be scheduled, what is the cheapest way to achieve that goal. What tends to happen is that scheduling keeps ratcheting up the performance standards (running times) and the drivers myopically comply. This then produces stress.

Transit unions feel the missing piece of the puzzle is run-cutting, and whether splits and pieces of work can be more humanely scheduled allowing for better quality of working life. The frustration experienced by transit unions relates to the fact that scheduling insists that certain union requests cannot be accommodated by the program, and feel the employer is saying





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no for the sake of saying no.

The HRP consultants also reviewed the TTC STEP program (service transit enhancement program) which identifies flaws in schedules. The transit union has input, but the process is lengthy. General union reaction appears positive, noting that it's an improvement, but not perfect. It permits genuine union input, but the union clearly has no authority when there are differences of opinion.

If the union makes a scheduling complaint, then the STEP committee commences an investigation with respect to scheduling concerns. Every TTC division has a STEP program. They typically consist of a superintendent, union board member, shop steward, supervisor of inspectors, and 1 or 2 operators, plus TTC officials from scheduling and planning. The STEP committee meets on a monthly basis.

Bob Pepper ATU, Mississauga

"Scheduling is a complicated process. We have an open door policy with schedulers. Drivers can talk to schedulers, but without question there are constant frictions i.e., transfers. Management ensure that they ride system after every sign-up. It generally takes 1 1/2 weeks for the members to cool down. The greatest problem is that computer scheduling programs don't recognize routes/runs, only recognize union contracts. It typically takes a joint labour/management committee 3 days to sort out problems associated with the run-cut. This is a constant battle, and

trade union representatives take much abuse from membership post sign-up. Historically, it's been the union vice president who is responsible for debugging the schedule. As well, it takes approximately 1 1/2 years to learn the job. The biggest complaint as trade union representatives is that we have no knowledge or education in the mechanics of scheduling. It's also something that the union/management discuss. The employer pays for the union representative(s) time-off for sign-up activities."

FACTORS AFFECTING THE TRANSIT INDUSTRY IN THE 1990s

The HRP consultants reviewed a number of different operational areas under the heading, "factors affecting service". In fact, 7 transit systems were reviewed, and the following subject headings formed the basis of this examination i.e., 1. staffing and scheduling models, 2. extent of service cuts, 3. extent ridership has impacted on service cuts, 4. impact of split shifts and hours of work, 5. performance management yardsticks, 6. demographics and ridership trends, 8. operational implications of these trends, 9. fiscal implications of ridership on fare box and subsidies, 10. current future technology and its impact on service, 11. transportation demand research, and 12. service delivery models.

The consultants found that factors affecting service proved to be a valuable operational introspective of Ontario transit systems. Clearly, the approach taken by many transit systems to industry wide problems and pressures makes them all unique. There appears to be no singular method or strategy that serves the universal interests of Ontario Transit. That said, there are also many common features which link the industry. The success of transit systems appears held together by professional transit administrators, strong industry coordination, leadership through OUTA, but most importantly, a commitment by the Ministry of Transportation to provide universal support and funding for transit systems of every size. It is this dynamic which allows transit systems to retain their local autonomy and flavour, but which also provides a framework wherein transit systems operate from the same basic rule book. This divergence of approaches to operational issues appears to work. In many instances, transit systems have developed unique approaches to problems facing public transit. The HRP consultants found this aspect of the industry most interesting because instead of functioning like a school of fish, in unison, transit systems instead are institutions which are leadership driven. Ultimately, the style of leadership leads the many transit systems in unique directions which when viewed from an overall industry perspective demonstrates certain strengths and weaknesses. With the



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accent more heavily on the strengths. We don't want to repeat the observations made in this section, but instead provide an overview of our general findings.

Ontario Transit systems are differentiated by their size. Without getting into a debate about small is beautiful, big is ugly, we want to touch on this issue somewhat. Many large transit systems are seen by smaller properties to be monolithic bureaucratic structures, and victims of entropy. Small transit organizations pride themselves on their compact size, fewer management layers, and a connection to the organization. In other words no feeling of remoteness. Whether this organizational dynamic is a planned feature or merely the product of scale, remains to be seen. But the fact of the matter remains, small transit properties, when they wish can be centres of transit innovation on a variety of fronts. By contrast, large transit systems suffer a disadvantage because of their size, technocratic, and managerial infrastructure which can make simple decision making a cumbersome exercise. And this constraint applies to a host of operational areas. On the other hand, when large transit systems find their focus, they too demonstrate a capacity for innovation and leadership unrivaled in the industry. What the consultants found is an industry which is competitively driven by strong autocratic leaders. Whether or not senior management are driven by professional jealousy or pride, the fact remains there is a

professional competitiveness which permeates the industry and provides a curious benefit by way of peer pressure and want of recognition by transit counterparts. This dynamic appears to be healthy when transit systems focus on problems - but can also prove to be a liability when transit systems import from other transit systems methods and approaches which may be questionable in terms of service adjustments, labour relations and associated human resource programs.

The HRP consultants found that there are several pressures that all transit systems are currently faced with ie., ridership decline, revenue shortfalls, and labour relations. In fact, ridership losses and revenue shortfalls has produced a climate of regression. Much of the progress in the way of service growth which occurred through the 1980s has been cut or curtailed. The service philosophy of transit systems has had to be re-evaluated with a view to "doing more with less". Yet within this negative environment, a number of transit systems have demonstrated that a myopic fixation with service cuts can be harmful, and in some instances more costly than the savings incurred through service reduction. So from that perspective, a pattern has emerged which distinguishes the operational orientation of transit systems. Very generally, the consultants found that certain transit systems were partial to viewing transit as an extended accounting exercise, and less likely to feel and understand that you cannot keep hacking at

service. In fact, that is the precise dilemma facing many transit systems ie., trying to maintain "transit service" no matter what financial pressures face the system. And in an environment where transit management are politically accountable for fiscal responsibility, the exercise of cost containment and transit service has become a constant friction point.

Transit management are also, no matter the scale of the transit system, increasingly relying on performance yardsticks to gauge and monitor the operational performance of the system. There is no better way to assess performance than through the use of various indexes that demonstrate labour productivity, ridership activity, vehicle utilization, and overall transit system productivity. As transit systems are forced to re-invent themselves, these indexes have become important planning instruments, as well as providing detailed information on the performance of the transit system. Ontario Transit has a level of management and technical sophistication which all stakeholder's can be proud. On the other hand, the consultants found that although these modern management approaches permeate the industry, there has been a corresponding inability to improve ridership. We are not suggesting that excessive statistical manipulation is a misplaced effort, but that there are inherent limitations in searching for ridership clues in transit statistics. In addition, the statistics no matter how complicated, meaningful,



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and accurate, are typically devoid of what impact fiddling with x and y inputs has on the morale and attitude of transit workers. It is for that reason that transit organizations must maintain a corporate conscience and concern for the employees and not get lost in technical missions that only engineers and statisticians can understand.

In terms of technology, Ontario transit systems display an impressive array of technological equipment. Everything from office automation to state of the art diagnostic equipment designed to work in conjunction with new transit vehicles. No area of the transit operation has been ignored. As consultants, we were impressed with AVL, computer scheduling programs, transit vehicle technology, and garage facilities. No one transit system seems to have been ignored. Perhaps this has something to do with central funding provided by the Ministry of Transportation which attempts to exercise fairness through an even distribution of funding, where practical. Not that all transit systems are equal, because they are not. On the other hand, there are certain minimum standards which are visible throughout Ontario transit systems, with the observation that certain systems appear favoured, or have been more aggressive in obtaining a technical edge over similar sized transit systems. Once again, this may be the result of aggressive leadership in the area of transit governance.

The HRP consultants found that

it is hard not to be impressed by the current state of technical innovation and adaptation that has occurred in Ontario Transit. We can be proud of the public transit sector for being a leader in many areas of the industry. And in fact, public transit technology and expertise may prove to be a service that Ontario can continue to sell abroad. On the other side of the coin, transit systems although increasingly creatures of modern technology, must remain vigilant by not forgetting that the essential nature of public transit is a human experience i.e., transit riders and transit workers. Some of the most immediate labour relations problems facing the industry relate to how technology interfaces with employees charged with its use. A strong argument can be made, given the HRP consultants observations in respect to training and new technology, that the industry must develop better approaches to the integration of new work processes and its associated impacts. Technology must not be implemented top down. Workers, especially transit workers have expressed concern about the absence of orientation and familiarization with new technology. In addition, certain technology (AVL) has also contributed to concerns about performance monitoring (driver performance) that is beginning to find its way into the disciplinary process. The concern of workers clearly relates to the fact that AVL technology although a eye in the sky to monitor transit vehicle location, cannot change traffic pat-

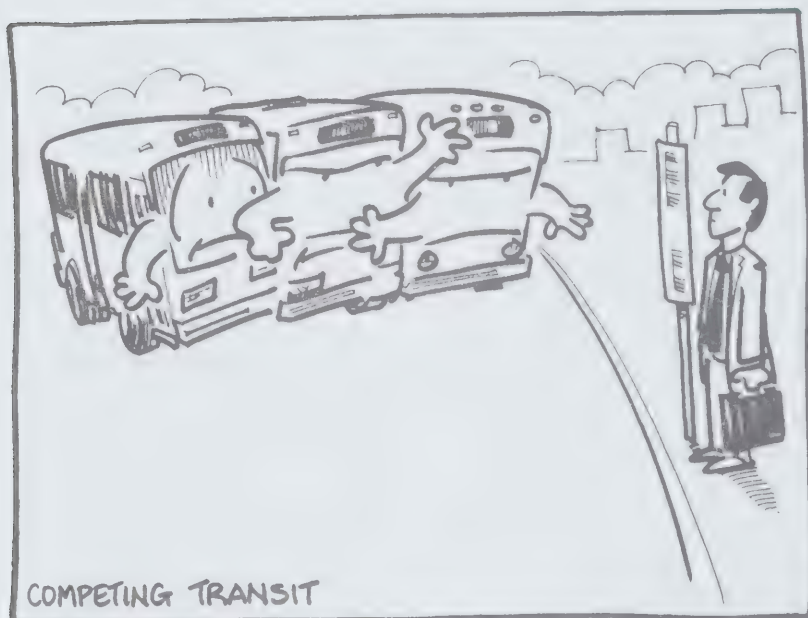
terns, or for that matter differentiate whether a operator is culpable or running off schedule due to mitigating circumstances. What transit unions are experiencing is that operators are frequently not being given the benefit of the doubt when AVL reports a schedule adherence problem. It's this failure to reconcile new technology with it's associated impacts on employee morale and motivation. This is one of many issues where the industry has successfully sold itself of the merits of a particular technology, but failed to ensure that union officials and transit workers understand the strengths and limitations of the technology. Further compounding this situation is the fact that some transit managers state categorically that AVL will never enter into the disciplinary process, whereas others have no apprehension to use whatever means at their disposal to seek out employees who fail to observe running times. The consultants found that there is potential for abuse, and that the parties must continue to dialogue on these kinds of issues. Over the last 2 years the consultants found it heartening to observe that the formative stages of genuine labour, management and government consultation are beginning to fall into place. But would caution that more time and better structures are required to allow the parties a forum which provides equal representation and input into the agenda. To be certain, there is no shortage of issues that need to be addressed.

In addition, the consultants were



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also alerted to the different methodologies and approaches to factoring transportation demand research. Transit systems have displayed a wide variance in terms of how they predict future ridership, as well as plan and forecast new service demand. Throughout the 1980s the problem was somewhat different in that transit systems biggest headache was attempting to calculate the quantum of ridership growth. And frankly, this wasn't a problem in the real sense. In stark contrast, the last 4 years have created a different climate, where recessionary pressures have caused ridership to drop anywhere from 10% to 50 depending on the location. These kinds of losses are hurting transit immeasurably, which is not the fault of either

management or union. Although some pundits still believe that smiling operators are the panacea for improved ridership. As transit systems search for meaningful ways to quantify future ridership trends, transit planners are increasingly frustrated about their inability to gaze into a crystal ball and forecast growth, or why their optimism has also failed to generate new riders.

In terms of whether there are demonstrable approaches which can be used as a model, the consultants found that every transit system subscribes to a different process, which has evolved in that jurisdiction, and is probably not a portable model. Secondly, in many smaller transit properties, there is no full-time expertise, and in fact, rider-

ship predictions are usually integrated into the planning department of the municipality. We did observe that many transit systems have a symbiotic relationship with the municipality, with a strong orientation to resource pooling and sharing. As well, there was also a distinction between Commission type versus municipal department structures. The more a transit system was integrated into the family of municipal services and departments, there appeared a greater ability for the transit system to piggy back on the expertise resident in the municipality. In fact, the consultants found the attitude of cooperation in a municipal transit department refreshing, in that there is a greater sense of "whole" in terms of transits relationship to other municipal services. Of note was the ability for municipal planning to factor into official plan decisions a positive orientation or bias in favour of transit. This is clearly a positive result of working in close proximity with other municipal departments.

Another interesting issue which became more thematic as the consultants explored factors affecting service was the concern over the balkanization of transit services at the local level. Specifically, transit systems in many smaller communities have concerns with local school bus operations and cannot understand why the provincial government funds two transit systems that in many instances run parallel to one another. Although Sault St. Marie conducted a study funded by MTO



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which indicates that “contracted school bus services” are cheaper, there are other concerns that relate to better planning which would allow for increased utilization of public transit, and more selective or targeted school bus service. In addition, most school boards have transportation departments who administer school bus programs, and coupled with that, municipalities also have local transit systems. There exists an apparent duplication of service and bureaucracy. The HRP consultants were told by transit officials that transit generally, no matter what the colour of the bus, must be delivered under one agency in a particular community. In addition, the province is looking for ways to rationalize service, and this would appear a good starting place. This would not necessarily impinge on school bus contracting, but would provide an overall coordination of transit services, service standards, and transit policies in local communities.

In addition, concern was also expressed about the continual debates concerning how municipal transit services relate and interface with school boards in matters relating to the purchase of public transit services for students. The HRP consultants heard countless times of continuing difficulties in respect to frustrated negotiations between local transit systems and their school board counterparts. Issues concerning discounted passes, preferred fares, and scheduling, were key stumbling blocks which has caused relation-

ships between these community institutions to be strained. In fact, it became apparent that brokerage politics is fast becoming the hallmark of school board local transit relations. The dynamics are very simple to understand. For instance, a large proportion of the ridership base in many communities is made up of students i.e., 10-50%. These kinds of ridership statistics afford school boards a unique status in which to leverage special deals for students. On the other hand, municipal transit systems are continually frustrated by hardball tactics where school board officials come in with a bottom line and say take it or leave it. And if the transit system says we'll pass, then the school board will ferry students on yellow buses. The consultants found this whole area a tricky issue to resolve, because of entrenched interests at stake. In addition, there are competing Ministries involved i.e., Education and Transportation, and at this juncture, there is currently a Task Force struck to investigate and attempt to reconcile these divergent interests.

LABOUR RELATIONS IN ONTARIO TRANSIT

One of the fundamental issues of concern to the HRP consultants has been the whole area of labour relations. In fact, labour relations was a

guiding principle throughout this investigation. The consultants also reviewed the issue of arbitration and is contained in a separate section which may serve as a model for labour arbitration in the transit sector.

Without revisiting the entire chapter, we want to outline some of our observations. The HRP consultants canvassed and interviewed 50 public transit trade union officials with respect to their views on the multiplicity of issues affecting the trade union at the local level, as well as some of the issues which are industry wide concerns.

One of the initial beliefs when the HRP study commenced was that the level of sophistication on the part of trade union leadership was perhaps an area of investigation, which may or may not have been responsible for the current labour relations environment. After a thorough review, the HRP consultants are now of the view that the level and quality of trade union leadership is quite adapt at labour relations. Equally important, there is a diversity and difference in respect to the political style of the various trade union leadership, which also manifests itself by different trade union administrative styles. In other words, some transit unions whether as a result of financial resources or philosophical belief provide different, but very effective approaches to union administration, especially in respect to how they cope with different kinds of issues.

This is significant because local union responses to the same transit



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issue may vary significantly because of the different political culture of the local union involved. The resources available to transit local unions varies widely depending on their size. In fact, a general observation has been made that the smaller transit local unions possess some of the most talented trade union leadership in Ontario. Unfortunately, this human resource is less likely to participate to the degree that larger and better financed transit unions do. It appears that in many properties the trade union is not participating as fully in the operational affairs of the transit system, whether internally, or externally through the political process. In fact, there is a growing experience, that at certain properties, transit officials do not want the trade union to meaningfully participate in internal/external operational reviews.

The HRP consultants have from the outset been extremely aware that Labour Relations in public transit must develop a more positive and less adversarial approach. Whether this achievement will remain elusive depends on whether or not the parties can rise above traditional antiquated notions that are predicated on union versus management confrontations. The social contract negotiations clearly demonstrated that the Amalgamated Transit Union is perhaps one of the most rationale public sector unions. In fact, the ATU's performance during the social contract exercise has shown the ATU to be an extremely pragmatic and transit oriented trade union. This

kind of responsible trade unionism is part of the day to day labour relations fabric in Ontario Public Transit. So the question of what has gone wrong is paramount.

The consultants recognized that transit management has the benefit of resources, professional association, and the ability to address shortcomings articulated by management stakeholder's. Conversely, the union side of the equation is less capable of marshalling the resources to address all issues of concern. It is this imbalance, which causes the playing field in labour relations to be uneven.

More importantly, experience has shown, and transit management in the main agreed, that the ATU has the diversity, presence, and understanding of the unique issues facing the transit industry. Further, numerous transit officials indicated that the ATU has the most experience and understands the unique nature of the transit industry which makes the administration of transit much easier.

It was also observed that transit unions must begin to reorganize their internal communication systems/approaches and move away from a closed model into a more open communication system. Union officer turnover is also a reflection of underlying problems with local union communication. In fact, many transit workplace's have evolved into large and complicated communities which require unique approaches when communicating with various occupational and ethnic groups.

In the area of transit bargaining, there is a general consensus that the pattern setter in transit bargaining as a rule tends to be operators. Of further interest, is the fact that transit workers view the industry as an essential service, not to the degree of essentiality of police and fire, but an important community service.

The HRP consultants found that one of the strengths of collective bargaining is that the process has a long history in the transit industry. There is a lot of culture and tradition which translates into experience. Additionally, it was noted that some transit properties do not understand the nature and role of the International Union or Canadian Council in matters of collective bargaining. The HRP consultants found that these organizations and their representatives have no role in establishing demands, since this is a local union decision. However, they are providing a resource and guidance, and within this context, they are very important to local unions since they bring continuity and broad experience to local unions involved in collective bargaining. Additionally, no visible pattern bargaining exists, but concern has been expressed that pattern bargaining (sectoral bargaining) can be very important in establishing uniformity in the industry.

On another level, transit negotiations are political in nature given the nature of the service and profile in the local community. There has been a historical evolution in which transit



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unions circumvent normal bargaining channels with direct appeals to politicians and the media. The belief being that these efforts tend to change the dynamics of impasse resolution which leads to breaking a log jam in negotiations.

We also found that some of the key issues that remain at the point of impasse are typically proposals for part-time workers, monetary matters, concessions, working conditions, hours of work, spreads, and premium issues. Transit unions indicated that once a strike was commenced, chances are it would be long, except in Toronto. In fact, the strike option is exercised with the greatest of caution and sensitivity to the implications this may have on their members and future ridership. The consensus of the ATU is that the public and politicians only care about the "strike issue" when they are faced with a labour dispute, otherwise, it's a non-issue. More importantly, transit unions recognize that without a strike sanction, they would have absolutely no leverage in collective bargaining.

Transit unions also believe that the current methods of impasse resolution need reform. Specifically, the ATU has in many instances offered binding arbitration and consistently advocates arbitration as a resolution to impasse, but that transit employers are unreceptive of the idea. A growing consensus appears to have formed which indicates that transit management may be guilty of protracting negotiations, then call for a third party neutral.

The HRP consultants found that the cost of arbitration has a chilling effect on the willingness to litigate. There is a belief that the cost of arbitration, as currently structured on an ad hoc basis is a deterrent. Further, that the arbitration process is becoming too complicated, and forces the parties to be more reliant on lawyers and consultants.

We also found that when the transit industry is examined from the perspective of labour relations, the public perception regarding those rare instances of labour strife appear forged in the public consciousness. Clearly, transit strikes incur a long term impact, that may affect ridership. Yet less clear to the public is the fact that most transit workers and union representatives see themselves as middle of the road and non-militant. In fact, contrary to wrong impressions, transit unions explore a range of other options before finally exercising the strike sanction. Once again, the union leadership are very pragmatic.

The HRP consultants reviewed suggestions that the level of work rule provisions take away from management's hands the ability to make management decisions which promote efficiency. Transit unions have voiced concern that these statements are without foundation. In fact, transit unions believe that if you go back in time, the workings conditions have not changed that much i.e., hours of work, split shifts, etc. We conducted comparisons between industrial working con-

ditions and the transit industry. The findings indicate that transit workers spend on average more hours at work per shift than their industrial, public, and construction sector counterparts. This contrasts sharply from other industrial and governmental employees who have less total time commitment to their employers or industry.

The future of labour relations is manifesting itself in two fundamental ways. The participation of trade unions at a variety of decision making levels, and the liberalization of information sharing. Some transit systems have a more progressive approach to union input, and this is contrasted by other transit systems that subscribe to a more traditional and closed approach in dealing with unions. Transit unions have expressed unanimity regarding meeting regularly with senior management, commissioners, and politicians to discuss what's occurring in transit (though this is happening in some jurisdictions).

Another area of concern is the issue of mediation and conciliation services. Transit unions have become increasingly alarmed at the constantly changing rotation of Ministry of Labour neutrals who have no real understanding of the industry. There is a fairly uniform consensus that the Ministry of Labour must begin to assign mediators and conciliators who have experience with the transit industry. It appears that the big transit locals get more consideration in this regard, but also echo that a dedicated group must be



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earmarked by the Ministry of Labour to assist in resolving the unique issues of the transit industry.

In terms of ethnic diversity, there is a broad recognition among transit unions that this has changed substantially. Transit unions also recognize a shift to more enlightened transit hiring practices (more open and accessible). Many transit unions realize that the ethnic question looms in every workplace. Ethnic sub-groups have become recognized communities within the workplace and union. There is also an awareness that transit unions must learn to deal with the ethnic component of their membership. Communication structures must be developed which facilitates union communication across the linguistic barriers that currently exist in many large transit unions, where the working language of the union is "English". Though a limited and noted exception exists in ATU Local 279 who have French bilingual union officials, and all correspondence is in both official languages. As well, ATU Local 113 also has Portuguese and Italian speaking union representatives. Even in light of these cultural checks and balances, there still exists a cultural alienation that must be addressed by transit employers and unions by systematically reassessing their internal communication structures and developing a strategic plan to address how to communicate with the ethnic workforce and membership.

The ethnic issue also has implications on bargaining. The implementa-

tion of employment equity and a requirement to hire designated groups first, and the potential implication on seniority by favouring disadvantaged groups will become a friction point in labour relations. Transit unions noted that there has been a significant shift in the composition of the workplace, with women becoming more visible. Though this has not changed the nature, dynamics or issues between management and transit unions. Clearly, women have unique needs and transit management must begin to recognize that women have different responsibilities and emotional attachment to familial responsibilities. The consultants reported on this issue in the section entitled Child Care, and the Family Work Conflict.

And finally, transit unions are becoming increasingly alarmed by transit employers reliance on outside consultants. There is an belief that consultants only come to labour to give the appearance of union consultation. The chief criticism is that consultation is more tokenism, and that most trade union concerns are ignored. Transit unions want a legitimate role in any consulting assignment that impacts on the operations of their transit system and their jobs.

HEALTH AND SAFETY ISSUES IN ONTARIO TRANSIT

The HRP consultants reviewed the issue of health and safety from worker consultations and review of health and safety records, as well as discussions with health and safety activists. The HRP consultants were struck by several contradictions. Firstly, after visiting numerous and diverse transit properties, and reviewing the experiences of health and safety representatives, a curious contradiction arose. In fact, this contradiction raised many questions, especially whether or not the on site visits by the HRP consultants were a meaningful observation of the current transit operating environment. Clearly, there is no substitute or way to measure the constant exposure to a environmental or working condition experienced by working people unless observations capture the total working time and exposure to all working conditions.

The initial observations by the HRP consultants indicates that the current transit operating environment is not as antiquated and old fashioned as some health and safety advocates profess. Secondly, there is no level playing field in terms of uniformity among transit properties, so no meaningful comparisons can be made between transit properties. Though on a general level, transit properties can



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probably be categorized into three broad groups i.e., small, medium, and large sized properties. The consultants found that there are similarities among transit properties within these sub-groups.

POSITIVE REFORMS IN HEALTH AND SAFETY

The HRP consultants initial findings indicate that even among the cross section of the various sized transit properties the relative working conditions on the surface appear rather clean, orderly, and much improved compared to 10 years ago. This according to local union representatives involved in health and safety. Secondly, equipment in the garages i.e., ventilation, air quality monitoring, start-up procedures for buses indoors, and various company union policies, clearly have had a positive effect on the current working environment. With the assistance of MTO subsidies, many transit properties large and small can point to many improvements made to upgrade equipment and working conditions. The consultants were of the initial view that these improvements are reflective of 20 solid years of funding and health and safety reform which has changed the working environment in both public and private sector work-

places. In particular, the health and safety committee structure appears to be producing the kind of bipartite cooperation which is essential to meaningful problem solving.

Without question, the transit workplace has become systematically dissected, discussed, and reformed as a result of a greater commitment by transit management, transit unions, and the Ontario Government, to ensure that working conditions are as safe as feasibly possible. To be certain, the impetus for this change has been legislative, and partially, enlightenment to the problem of workplace health and safety issues. Whatever the motive, the parties have now clearly begun to accept these challenges with an understanding that improved working conditions can minimize sick days and compensation claims. There is also a recognition of the bottom line related to "health and safety" and the parties willingness to accept the nexus between working conditions and accident and sick claims. It appears the costs have been too great to turn a blind eye. And whether this rethink is a result of financial vested interest or genuine respect for worker dignity really does not matter. For the fact remains that change is occurring and is moving in a positive and forward direction.

HRPA Health and Safety Recommendations

1. There needs to be expansion of training so that all members (union/management) of the Joint

Health and Safety Committee have been formally trained.

2. Improve the investigative rights for those involved in Health and Safety. Concern expressed that the law is silent, therefore there is no positive presumption that investigative rights flow to union representatives.

3. Transit industry must pro-actively provide preventative health and safety training to avert injuries.

4. There is a lack of industrial exposure standards i.e., low level long term exposures or short term exposures to fumes. The standards fail to recognize these exposures, and then tend to amortize these over an 8 hour day or 40 hour week.

5. Develop consistent pest control procedures in public vehicles that protect workers, children, and pregnant women. Pesticides are becoming a more frequent complaint in many transit jurisdictions.

6. Lack of Ministry of Labour Inspectorate, but more particularly, the transit industry needs inspectors designated to the transit industry, and for there to be more regular workplace inspections.

7. Transit unions are worried about management reprisals, where the power dynamics of the workplace allow the employer to unfairly exert pressure on any worker, which has a chilling effect on workers pursuing complaints. Workers are being intimidated into not filing violations.

8. Health and safety must become a corporate priority, that can have posi-



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tive implications on sick days and WCB claims.

9. Transit employers must make available to the union, on request, all statistical information for any and all accidents.

10. Transit properties must develop partnerships and share corporate health and safety resources to allow workers to deliver services to union members.

11. The Ontario Government must begin to redefine "third party" under the Workers' Compensation Act, so that it is not silent on workplace issues related to "operator assaults" and "dangerous patrons".

TRAINING IN THE TRANSIT INDUSTRY

The HRP consultants documented what workers in the public transit industry want and expect from training. Conversely, we also reviewed recent training initiatives to garner a flavour of where the industry was heading. Not surprisingly, there are differences in respect to the approach.

Part of the Steering Committee time was devoted to the training issue, which has been documented in the Steering Committee minutes. More importantly, transit unions are becoming more concerned about consultants who keep talking about 'new technologies' and 'work reorganization' and the

need for workers to upgrade their skills.

Part of the HRP consultants objective was to instill in local unions that a training culture belongs at the core of the union's agenda. The need for training is not just a question of productivity and/or efficiency for the transit system, although transit unions share some of these concerns. As we see it, training is about the future of labour's role in society as working people.

Our research was guided by four objectives. First, we know that the transit sector is undergoing dramatic changes - both in technology and in the way which work is organized. These changes have led to real needs for training in new areas. In some cases, upgrading workers skills may mean the

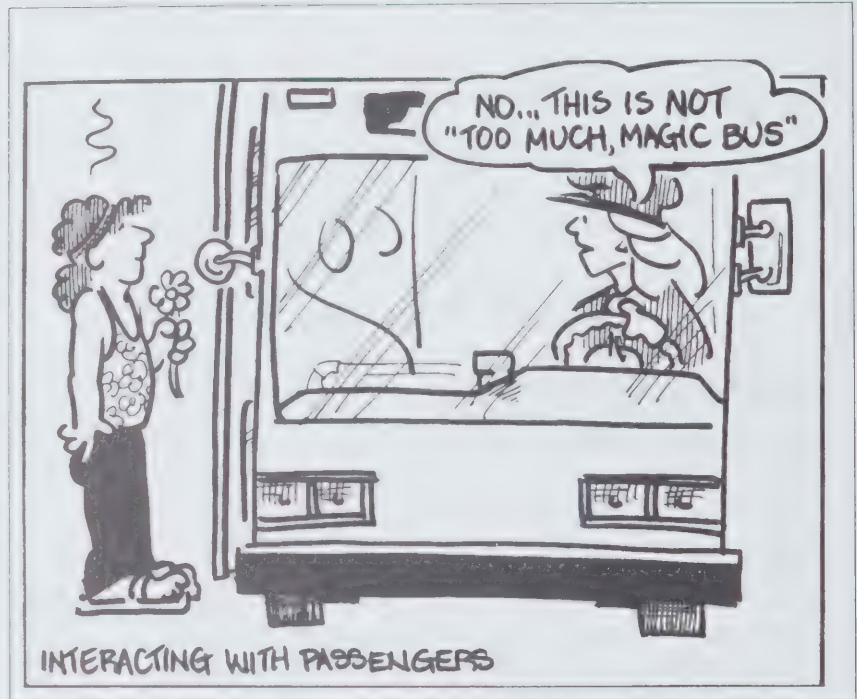
difference between keeping or losing a job. This is not just true for individual workers. It can also be true for a transit property, an industry, or entire sector.

Second, we wanted to find out what transit workers had to say about this issue. We felt that it was time for transit management and government to hear directly from workers what type of training best suits their needs.

Third, transit unions are tired of management using training to intimidate workers and advance their own interests. Concern centres in offering courses to a hand-picked few or trying to get employees to compete with one another for a smaller number of jobs.

And finally, we wanted to strengthen the hands of those workers who sit

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with management on Joint Workplace Training Committees (JWTC) or similar ad hoc training structures.

In addition transit unions believe that they must play a central role to ensure that workers receive the kind of training that they need. The research that was performed through the HRP study was a first step. Now that we have result of surveys, our findings can be used to assist transit unions in formulating training strategies. One of the unique approaches to this phase of the study was that our findings are based on interviews with real people versus academic training professionals.

Transit unions have expressed that they are not interested in management dictated training programs and believe that this approach is 'competency-based training' or 'core training'. The goal of competency or core based training is to have workers perform whatever task management establishes for the employees. Whereas worker driven training is designed to maximize worker leverage - both within the workplace and within society as a whole. The premise is that it is based on needs of workers, it emphasizes critical thinking as well as technical know-how and it takes into consideration the knowledge and the experience that workers already possess.

Clearly the need to upgrade skills is not a simple issue. Transit unions are now beginning to disagree with management about what, and why training is important. Concern centres around the fact that the 'training' issue is driven

by management. The HRP consultants found that transit unions agree that there is a need for training, but not the same reasons as management.

The HRP consultants after reviewing the training issue believe that in order to secure balanced training, there needs to be the creation of Joint Workplace Training Committees (JWTCs). JWTCs should be active in all transit workplaces in which union, employer, and employees have decided to participate in developing a positive training culture. The transit industry should also consider, in conjunction with trade union stakeholder's, the establishment of a Sectoral Skills Training Council (SSTC) training fund. The purpose and composition of JWTCs, are joint and equal representation from management and union who decide how SSC Training Fund monies will be used in their workplace.

HRPA Consultants Training Recommendations

1. Establish SSTC (Sectoral Skills Training Council) between the ATU and OUTA in the Ontario Transit Industry.
2. Establish a complementary component to the Centre for Transit Improvement (CTI) entitled "Centre for Human Resource Planning" which allows transit unions to address all the problems that are currently cropping up at all municipal transit properties.
3. The development, implementation and administration of training pro-

grams should be subject to joint union management training structures (JWTCs).

4. Training policy must be guided by human resource planning focused on the all round skill and developmental needs of workers through structured programming.

5. Transit properties should establish, expand upon and formalize its traditional policy that every employee is given the opportunity for career progression.

6. Formal apprenticeship programs should be enhanced for traditional mechanical and building construction and maintenance trades.

7. Formal apprenticeship programs should be expanded to include all identifiable trades (both old and new).

8. Apprentices and Trainees should not be used to replace or substitute for qualified positions in the established work force.

9. Whenever possible, all theoretical and practical training should be conducted at the workplace in training facilities, during normal daytime working hours, without interruption of income. Where possible, community college instructors should come on-site. This does not preclude individuals taking courses on their own initiative.

10. Institute a program of ongoing upgrading and/or review of trades training to certified mechanics and technicians so as to provide certified extension to their qualified trades status with respect to specialized equipment or new technology or new technology.



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11. Develop in-house union trainers and examiners to provide shop floor and classroom training, instruction, certification and career counselling.
12. Establish mechanisms to enable full union involvement in the development and administration of training and skills development programs.
13. Locate training in the workplace or workplace related locations.
14. Improve the promotion of workers from within the transit property into more skilled positions. Improve the promotion of under represented groups into skilled positions.
15. Develop more English language training, especially for workers who another mother tongue and are not fluent in English.
16. Design training for workers who are older, less skilled or non-English mother tongue.
17. Ensure there is a fair distribution of training opportunities and that the union has an equal role in delivering the training.

TRANSIT INTEGRATION WITHIN THE GTA

The HRP consultants reviewed the issue of Transit Integration and worked with those ATU local unions affected i.e., Local 113 representing Toronto Transit Commission employees; Local 1587 presenting GO

Transit employees; Local 1572 representing Mississauga Transit employees; and Local 1573 representing Brampton Transit employees. In fact, many of the local unions in the GTA have been the recognized and certified bargaining agents for over 20 years, and in the case of the Local 113 for over a century.

Another ATU concern relates to the need to balance the interests of the parties in respect to their relative size and importance in the scheme of public transit in the GTA. Transit unions don't want the tail wagging the dog. For instance, if the TTC represents 93% of the total ridership, this reality must be placed in perspective. Secondly, if 8 of the 17 transit systems in the GTA are operated by private

companies then we must not forget the fact that these 8 systems represent only 1% of total ridership. Transit unions want the Ontario Government to recognize that attempting to integrate these non-union carriers within TTC operating jurisdiction is rife with problems. In fact, it poses very considerable difficulties with respect ATU working jurisdiction and will not be adequately resolved within the Transit Integration Task Force terms of reference.

The ATU is also concerned about the role of private carriers within the GTA in that previous government efforts have echoed a need for "exploration of opportunities to cut cost and increase efficiency through greater involvement of the private sector." In

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addition, some are arguing that since 8 of 17 GTA transit systems use and rely on private carriers, then on the basis of fairness and equality, Transit Integration must dwell on the union/non-union issue. On that point, the ATU has a fundamental disagreement. The ATU believes that no non-union carriers should operate within the geographic boundaries of a transit system certified by the ATU.

The consultants also found that the union jurisdiction issue is problematic, and without the cooperation of the ATU, the whole Transit Integration effort could unravel. In fact, the ATU has been able to develop some consensus with respect to ATU properties in the form of Joint Local Agreements. Politically and practically, the ATU locals will jointly facilitate Transit Integration by entering into Joint Local Union Agreements which in effect establish the ground rules with respect to the type, nature and frequency of cross boarder incursions by another carrier into the home jurisdiction of another ATU Local. The ability of the ATU to work cooperatively with other ATU Locals is part of their union tradition.

Clearly, the unionized transit sector views the world somewhat differently than competitive bidding advocates (OMCA). The ATU Toronto Area Caucus has a fundamental problem with non-union carriers, especially within their jurisdiction. Their view among some of the Task Force members that discrimination on the basis of union

versus non-union carriers is not in the interests of long term Transit Integration. Obviously, at the end of the day the ATU will have a fundamental difference of opinion with anyone advancing a "private carrier" or "competitive bidding" agenda. That in our minds was not the reason for Transit Integration. More importantly, the ATU is also concerned with any attempt to lay the onus or blame on the union for creating jurisdictional problems related to Transit Integration.

The ATU has also tabled many concerns related to contracting out of transit service, and these fears are further compounded in the context of Transit Integration. It would appear that a Fair Wage Policy for Transit in the Greater Toronto Area would alleviate these concerns. In fact, Fair Wage Policy is not a new policy instrument, and in fact, has been part of the Provincial Governments tendering process for specified job classifications. It is also supported by Metro Council and the Municipalities of Metro Toronto. So there is no provincial precedent required to implement a Fair Wage Schedule for GTA transit, but an amendment to incorporate a "new transit fair wage schedule".

Another concern relates to the wholesale acceptance of the San Diego model, and the potential for its import into the GTA. Perhaps on a very limited basis San Diego provides a model for a "Limited Federation", but the ATU will not stand by and import into Ontario jurisdiction a competitive bid-

ding model which provides for a 40% wage differential between the various San Diego transit systems involved in Transit Integration.

The ATU is also concerned about excessive rationalization and pooling of resources and attempts to squeeze further optimization from the current disjointed approach to transit administration. This ultimately means that Transit Integration will eliminate jobs. Transit Integration will also change the operating environment which will lead to employee confusion, and lack of organizational identity by workers and the public. At the end of the day, the transit workplace will undergo tremendous culture shock when the walls come tumbling down, and the underlying notion of security becomes questioned. We paint this picture because the timing of Transit Integration, with its heralded benefits, must also be seen in the context of a decline in public transit ridership in the GTA, job losses, and financial pressures. Along comes Transit Integration with its implicit rationalization of transit service at the unionized operating level, and we have a recipe for warranted fear and concern. On top of these anxieties, private carriers and the Ontario Motor Coach Association are publicly lobbying for an enhanced role in the municipal transit sector. Clearly, transit workers are fearful for job security and will view the north end with considerable consternation, especially if one bus crosses into Metro Toronto and works within ATU jurisdiction.



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With respect to GO Transit and ATU Local 1587 there has been considerable discussion regarding the issue of route abandonment, and whether or not this constitutes default contracting-out. Without dwelling on the merits of the argument, there is a growing recognition that certain GO Bus services may either be off-loaded to municipalities, or rationalized due to enhanced service coordination and a shift towards intermunicipal service versus the services provided by GO Transit, the interregional carrier. Their is a perception among GTA unions that points to a diminished role for GO Bus. The ATU is worried that Intermunicipal Transit Integration will supplant the mandate of the Interregional Carrier, GO Transit.

The ATU locals involved in Transit Integration believe the contemplation of a "Limited Federation" makes GO Transit an orphan in Transit Integration. They believe that GO Transit could have taken a much more prominent and central role for coordination and has legislative legitimacy to assume that role. They argue it would also have given the Ontario Government a bigger role and voice in planning how provincial dollars are spent, an issue which has constantly been laboured over.

The ATU also believe that the TOTOA legislation provides for a very clear and unambiguous mandate for GO Transit in Transit Integration. Their fears relate to a gravitation towards a Federation or other frame-

work model, which raises some serious questions about the long term political commitment to public transit by the Ontario Government. Not in the sense of capital dollars, since it would be naive to suggest or impugn the motives of the government in light of the billions of dollars earmarked for transit capital expansion, and recent TTC loan. Yet, with respect to a long term commitment to provide transit operating dollars, there is skepticism.

Additionally, the issue of job neutrality has been a consistent theme of the ATU since the initial FISC pilot projects. The notion of Transit Integration is a compelling public policy which on the face appears reasonable. In many respects, the ATU also supports improved public transit through Transit Integration. But it's important to note that the ATU believes the process in achieving integrated service is as important as the goal.

ATU Local 113 and Local 1572 have been involved with limited FISC initiatives with the TTC, Mississauga Transit and the Ontario Government. The paramount concern has been the issue of job neutrality. In fact, assurances have been offered, but never finalized or ratified, that verify a Provincial commitment that "Transit Integration" will be job neutral. The concerns of the ATU are considerable, as it appears that Transit Integration is a rationalization exercise which not only seeks to tear down jurisdictional barriers, but also rationalize service,

facilities, and operating personnel.

The failure to commit to job neutrality has raised further concern within the ATU. Clearly, Transit Integration is not only concerned with the transit patron travelling from Mississauga to Scarborough, it's about minimizing operating expenses and overhead. The cost of labour happens to be the largest operating expense. The degree to which this will be eliminated or minimized depends on how much Transit Integration takes place.

The ATU believes that Transit Integration is about achieving the benefits of a GTA Transit Authority, without Transit Institutions having to make the same bureaucratic sacrifices that the operating personnel will experience. Given their concerns with Transit Integration and the lack of "job security" guarantee's, the ATU will support the necessary efforts to achieve "seamless integration" on a **limited basis**, but will steer away from full blown integration.

Another concern of the ATU relates to the issue of supervision and discipline. Specifically, the ATU has taken a position that until all outstanding union issues and proposals relating to Transit Integration are addressed, then the ATU will not recognize the supervisory authority of extraneous transit authorities. The ATU will not recognize foreign transit authorities for the purposes of supervision and discipline. The issues of concern relate to the different practices, procedures, and collective agreement language which



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govern the local union management relationships. No language in the collective agreement(s) addresses the unique operating implications of "Transit Integration" which clearly represents a legal void in respect to day to day labour relations. Divergent discipline practices and working conditions are not simple obstacles that are easily eradicated.

The ATU believes that once Transit Integration is implemented, there exists a potential requirement for realigning personnel requirements between the various transit property stakeholders. There is historical precedent which can guide the Ontario Government in this undertaking. In fact, a similar situation occurred in the 1980's in the matter of the Toronto Transit Commission, Gray Coach Lines Limited and GO Transit Labour Disputes Act 1984 (Bill 125). In essence the parties established a protocol and working agreement which addressed downsizing, operator re-deployment, seniority, and pension issues related to in-flows and out-flows of bargaining unit members from one ATU jurisdiction to another. Many of the ground rules established in the memoranda of settlement and Bill 125 can guide the Ontario Government in

the delicate exercise of balancing transit service and staffing levels.

We would note that San Diego falls under much different Federal legislation governing "competitive bidding", and further, that San Diego only covers approximately 800 transit employees in total, which for our purposes in the GTA is not readily imported as would appear on the surface. The complexities and scale clearly distinguish the two environments, a concern which cannot be understated nor ignored.

CENTRE FOR TRANSIT IMPROVEMENT

The HRP consultants also reviewed the current mandate and structure of the Centre for Transit Improvement. In fact, the concept is vitally important to the long term interest of Ontario Transit. However, the ATU does not think that CTI as currently structured meets the needs of the transit industry. Furthermore, the CTI is believed to be a creature of the "Ontario Urban Transit Association" and the unions' role is limited to one

seat on the board. There is also a necessity for a program re-think re: CTI, and union stakeholders need to get involved in a CTI operational review.

We have a more positive suggestion whereby the current CTI would remain as is and that the Ministry of Transportation would create another structure called the Centre for Transit Research. Furthermore, this new structure (Centre for Transit Research) should add another dimension which we call, "a Centre for Human Resource Planning" (attached) for transit employees.

In particular, this new Centre would address all the human resource issues that are currently cropping up throughout the transit industry, which in fact is the key issue "that is being unsuccessfully discussed at the Fare and Service Integration Task Force".

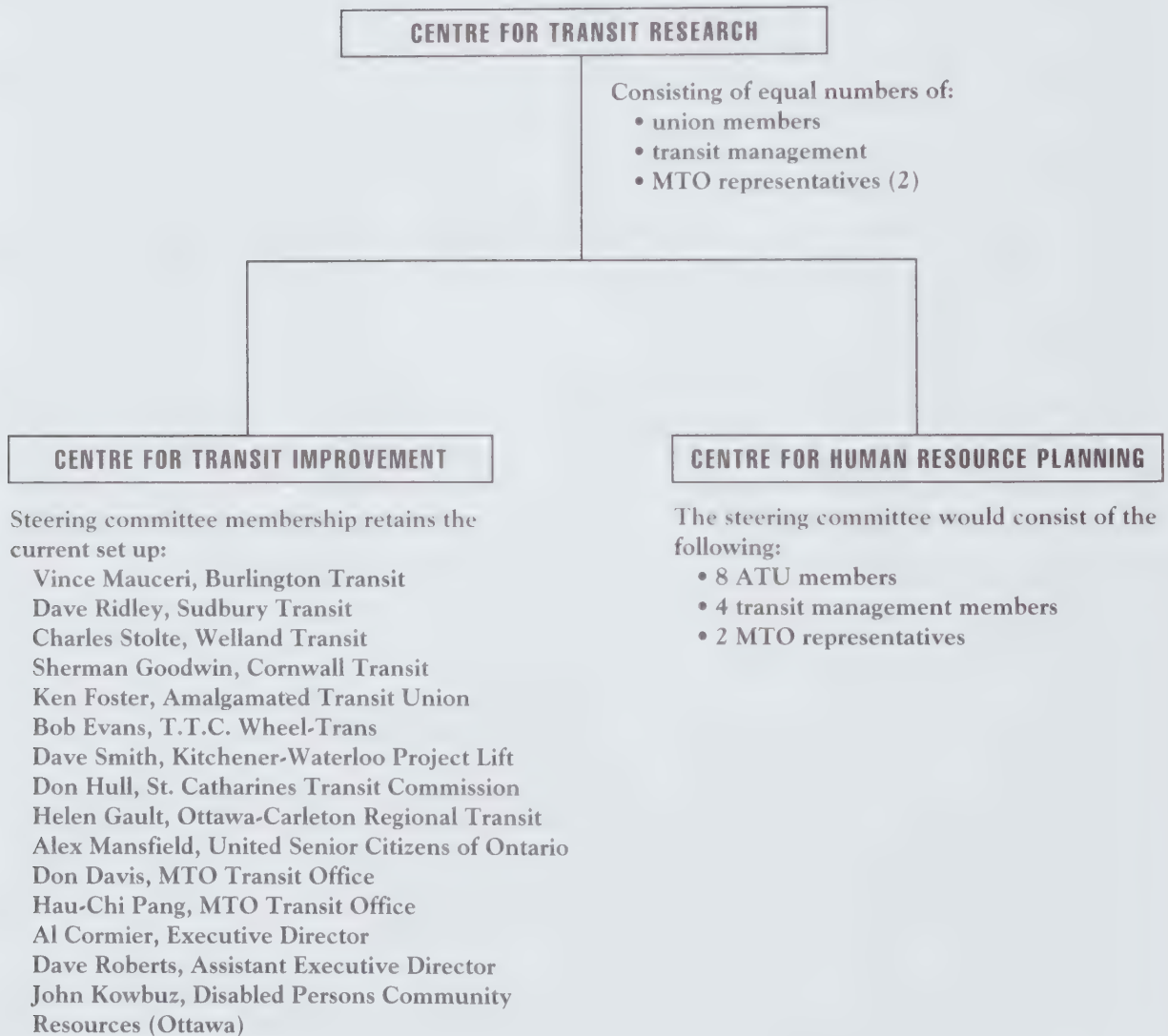
What the Centre for Transit Human Resource Planning would do is give the transit unions financial and professional expertise they need to address all the problems arising in most municipal transit systems in Ontario. Furthermore, this would provide a vehicle which would assist transit unions to cope with change and participate fully in the human resource planning process.



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NEW MODEL FOR CENTRE FOR TRANSIT RESEARCH





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Not only is transit management changing. People are changing, too. The traditional goal of the labour movement is to create social justice by winning for all workers a foundation of decent pay, good benefits, and safe and healthy working conditions. This is accomplished through organizing and traditional forms of collective bargaining. Union members and potential members still share those goals. But they have added aspirations for interesting and meaningful work, personal growth and development, and a place in the decision making process. Traditional labour relations are not geared to meet these new aspirations. So workers are no longer certain of the connection between labour's traditional activities and their own well being.

Rapid economic, technological and social change holds many dangers for employers and unions. The changing aspirations of people has its risks as well. Some unions understand, that at the local level, the trade union must understand and respond to this environment.

Years of reliance on once basic industry strategy or production process may well leave an industry ill-prepared for rapid change in shifting transit markets or technology. Years of effort by the union to gain hard-won wage and benefit levels and job security may be lost almost overnight when a transit property insists that the only effective response to competition and productivity is to slash its labour cost with concessions, layoffs or part-time workers.

But this is only one strategy of several available to transit properties and unions. And it usually hurts an employer by depriving it of the experienced workers who are let go, thus destroying the morale and initiative of the workers who remain.

In fact, there are several productivity strategies being championed for survival, each with its own impact on unions:

1. Find the lowest-cost labour through wage cuts, layoffs, part-time workers and contracting out.
2. Use technology as a substitute for people.
3. Provide customers with quality and service to add value to transit service, thus justifying premium fares and operating costs.
4. Make the most of human capital through the re-organization of work, thus justifying high wages.

Clearly, transit unions are fighting against the first option, both in the industry through tough negotiations and in the political arena. Unions must also monitor carefully the second option to make sure that automation replaces only dangerous, dirty or mindless work while enhancing the efforts of people whose jobs require skill, dedication and thought.

The HRP consultants reviewed approaches grown more common in the last fifteen years: employment involvement, quality circles, and total quality systems. Some of these approaches try solely to change people, exhorting or persuading them that they must be

problem-solvers or work smarter.

Others may provide an increased level of information about the company and new analytical tools such as the techniques of statistical and productivity measures (revenue to vehicle kilometers, revenue cost ratio, etc.), but none of them alter, or even examine, the traditional forms of work.



Peterborough Transit, storage facilities intermingle inventory between transit and municipal operations.

While more and more companies proclaim their understanding that technology, people and organizations are interdependent, only a fraction of transit properties act faithfully on that understanding. And still fewer transit properties balance their effort and expenditure by treating people, like technology, as a long-term investment or capital expense. Most managers want large gains in productivity from their workers with an absolute minimum of pain or effort for themselves. Though there is a recognition of equality of sacrifice lately.



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The consultants recognize that the last of the four options — looking at the organization of work as a productivity strategy, has held the greatest promise for transit properties, where many transit properties have embarked with a certain zeal in conducting organizational audits with a view to re-organizing work.

It is a strategy that is supposed to develop and support a high level of skills in a workforce, making it possible to provide high wages while protecting productivity and efficiency. Many of



Barney Gulliver, Kitchner Transit. Productivity consultants triggered violence among civic workers.

Ontario's most respected educators, government officials, business leaders support this approach as the best way to accomplish the third option, insuring quality transit service while protecting pay and benefits.

The HRP consultants recognize that this strategy has its costs and its perils. For the Province, there is the cost of restructuring our training institutions to properly prepare our children

and current workers for the demands of the workplace. For labour, there is the peril of taking on additional roles and responsibilities while protecting what is useful and important about our traditional role.

Thus, the effort to understand and respond to its environment is the most important task a union faces. A union that understands its environment can make informed choices about its response. It can work overtly with or against an employer that is trying to transform itself, using clearly thought out strategies and tactics. It can prod a employer with limited vision or understanding to act in ways that benefit everyone.

Or, it can sit on the sidelines, leaving all decision-making to management. Sitting on the sidelines, however, is dangerous for a union, robbing it of control over its fate.

If a union determines that it must respond to changes in the company by taking on a new role, it then begins by exploring that role, and marshalling the resources it needs.

The HRP consultants believe that transit unions have the necessary skills but have used them in other arenas such as collective bargaining, politics and legislation. The short term challenge in expanding these skills to new areas is the expense and time, and recognition that most unions are already overburdened.

The effort, however, makes for a stronger union. The lessons learned can be used to improve stewards' training or

bargaining skills. It may alter the relationship of the union to its members. Unions can work with members at times when they are not angry, scared, or disappointed. It may provide new opportunities to demonstrate the value and importance of a union to the membership.

Once the union decides on a specific course of action, it should be carried out in a skilled, competent fashion. Whether a partner or impediment, the union must be well informed and good at communicating its knowledge to management and its members.

That is what this section is all about. Dealing with the productivity issue in Ontario Public Transit. It provides the basics of dealing with change, details their benefits and their problems, and suggests additional resources and assistance. By broadening our vision and sharpening our analytical abilities, we can help make the future less fearsome for transit workers.

FUNDAMENTAL PRINCIPLES OF A SUCCESSFUL PRODUCTIVITY PROGRAM

A fundamental tenet is that workers and their unions are treated with respect and dignity. It means that management takes care to staff the organization at adequate levels and accepts its social responsibility by



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recognizing that it does not have a sole and complete call on time, energy and loyalty of its employees because families and communities also depend upon skilled, committed and competent men and women for their success and well-being.

Treating workers and unions as partners and involving them in all aspects of the industry must be the basis upon which we build for tomorrow. Yet when we view the recent experience of transit productivity schemes, there is an apparent inability to realize these basic goals. As transit properties begin to grapple with new work systems, the HRP consultants believe that the following values must be condition precedent to achieve even a modicum of success.

Values of a productivity program must include:

- ☐ **trust and integrity**
- ☐ **respect for the dignity of workers and the unions**
- ☐ **quality-productivity**
- ☐ **flexibility and adaptability**
- ☐ **cooperation with stakeholder's**
- ☐ **recognition of effort and achievement**
- ☐ **growth and development**
- ☐ **openness**
- ☐ **customer service**
- ☐ **personal safety and security, and**
- ☐ **dedication to the continuous improvement of every aspect of the transit industry and work place.**



Peterborough Transit, although small in size, provides workers with showers and locker rooms absent in larger properties.

These values are basically the same in all organizational reviews, cutting across company and industry lines, regardless of the technology or the complexity of the work process. These values are not just spoken, they are acted upon. In a traditional sense "quality" may be said to be service, but the reality is that "quality" service takes a back seat because of budget constraints.

The values of a productivity program stem from a fundamental belief:

The people who perform the work can and should understand the business well enough to figure out what to do with a minimal amount of management.

To that belief is linked a second:

People will be motivated to figure out what to do and then will do it only if they understand that their success is linked to that of the transit industry.

A productivity program is further guided by the additional beliefs that:

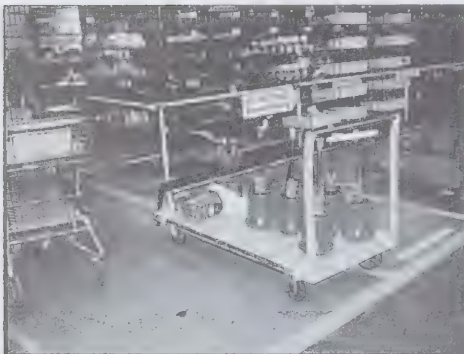
- ☐ **jobs should build self-esteem**
- ☐ **job security builds productivity**
- ☐ **everyone should have the freedom to contribute his or her talents to the success of the enterprise**
- ☐ **the organization must be productive and rewarding**



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- ☐ participation improves performance, and
- ☐ shared decision-making and problem-solving is more effective than that of individuals.



TTC, innovative inventory techniques like colour coding similar shaped components assists in identification.

A productivity program backs up these beliefs by structuring the organization so that workers:

- ☐ manage their own work performance
- ☐ monitor their own work performance
- ☐ make proactive changes in the workplace-help fellow employees and be helped in return
- ☐ understand the industry
- ☐ make decisions based on an understanding of the industry and other parts of the system
- ☐ provide higher levels of customer satisfaction.

In sum, a worker must be able to do the right thing, rather than the pre-

scribed thing. New organizational structures should encourage employees to take on these responsibilities. This type of structure may feature:

- ☐ fewer levels of management
- ☐ autonomy and responsibility distributed throughout the organization
- ☐ self-managing work teams
- ☐ open communications
- ☐ pay for skills development
- ☐ bonus or gainsharing programs

A flattened hierarchy means there are very few levels between the top and the bottom of the organization. Decisions are made at the action level, by the employees who have to carry them out.

In order to be decision-makers, people at all levels in the organization must have organizational skills, greater autonomy and responsibility. This may mean that there are fewer job classifications and work rules. It also means that there is less supervision.

Communication throughout the organization are open. Information about the transit property is shared freely with all employees, who are given the training they need to understand it and use it to improve their work process. In return, workers are expected to share their knowledge of the process and help improve them. High trust levels make this kind of communication possible.

Empowerment means that groups of employees are given the means to accomplish certain operations or tasks.

The empowerment responsibilities can include:

- ☐ work operations
- ☐ work scheduling
- ☐ training
- ☐ problem-solving
- ☐ quality control
- ☐ ordering
- ☐ customer service
- ☐ hiring, and
- ☐ improvements in the production or service process.

Such a system recognizes the fact that workers know more about their work process and can participate in suggestions and solutions for improving that process. The financial benefits that result should be shared with the people who created them.

Management ranks may be lean in a new work system because the workers have no need for supervisors to continually monitor their performance. Managers will have the time to put their skills to work on long-range planning, providing resources for work teams, and coaching, training and developing individual employees. For many managers this will require extensive changes in attitude and behaviour, which can be obtained through technical, administrative and people skills training.

In a successful productivity program labour and management will work together as a matter of course, particularly in designing and implementing the new work system. Each side will value the other's viewpoint and traditions. Cooperation will not be based



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on a myth that union and company are alike, but on the mutual understanding that strength is bred of diversity, tolerance and the resolution of conflict.

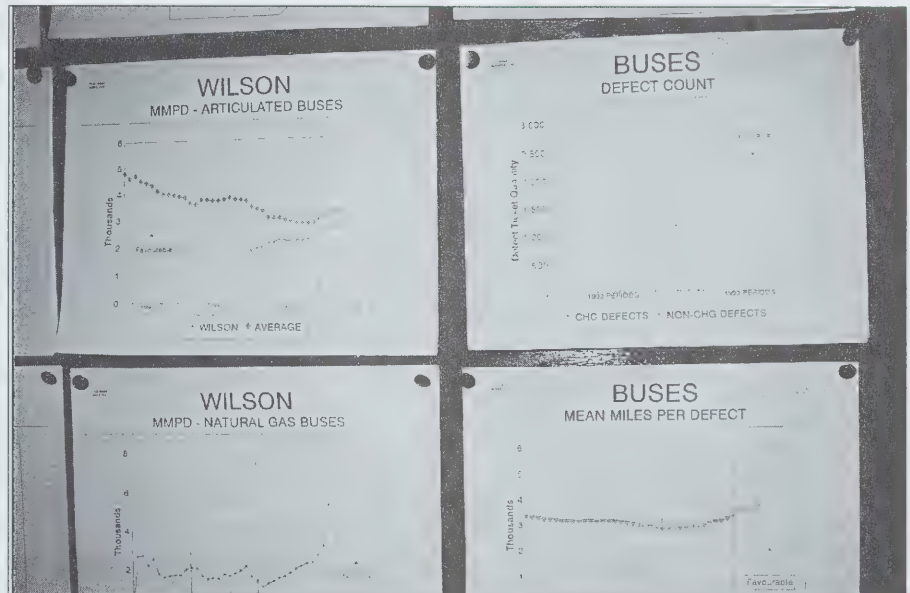
Each side will understand the importance of due process for individuals who have a complaint or who are charged with a serious violation of organizational policies or standards. Thus, disciplinary matters that cannot be resolved through informal agreements will be handled by a structured grievance procedure.

Individuals in a productivity program are treated with respect and are appreciated for their uniqueness. Minority viewpoints are encouraged. Successful new work systems use information effectively to help people make quality decisions. They impact knowledge through training and education to create a knowledgeable, multi-skilled workforce.

Finally, new work systems are dynamic. They are ready to adapt to change and, in fact, welcome change as a chance to get the jump on new transit trends and opportunities.

WORDS OF CAUTION

The HRP consultants recognize that the creation of a new work system is a long, complex process. It is even more difficult when an industry is transforming itself from a traditional organization. That is one reason work-



TTC, use of charts to indicate productivity and quality are becoming more frequent. An objective measure that workers can relate to.

ers need a union as much as ever, even though good employers may now "value" their workers highly and wish to treat them accordingly.

While union representation is obviously not a mandatory requirement for a company creating a new work system, it can provide a definite advantage. The union provides a valuable perspective in problem-solving decision-making. It acts as the conscience of the organization when there is less reliance on highly detailed workrules and procedures to provide the "answers" to problems or concerns.

Even the most well-meaning employer and vigilant union may find themselves straying from the new

beliefs they profess. The result can be the misuse of the productivity process and the abuse of workers.

Abuse can come from the constant encouragement of workers to "do whatever it takes" to "get the job done." There are limits to human ability and energy and there are ethical lines that should not be crossed. Furthermore, the union must make certain that the company recognizes that some employees must live with constant non-work responsibilities such as child, parent and family responsibilities.

Productivity programs will not magically transform every organization, and in fact it may create a temptation to let workers take care of "shirkers" or "trou-



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blemakers." Misuse of productivity programs can come from the expectation that workers will take on responsibility for traditional management tasks such as discipline.



TTC, a continuation of colour-coded scheme inventory is stacked according to make of vehicle, etc.

It is probably a fair expectation that union members may develop a basic set of mutual expectations about job performance and responsibility — and talk to each other when those expectations are not met. No matter the organizational restructuring, the authority to discipline remains with management and the responsibility to provide members with due process in the form of grievances and arbitration remains with the union.

But poor performance or violation of rules and policies is not the only issue. Productivity programs can create tremendous pressures for conformity. A new work process should not be designed as a continual weeding out

mechanism of the least productive or innovative workers. In fact, any new work system should encourage constructive conflict and creativity. One way to do this is by encouraging and protecting minority viewpoints.

One of the problems that the consultants can see with the productivity initiatives in the maintenance area of transit is the hue and cry for standards and standardized shop rates for specific tasks. And if we look to the experience of North American industry, there will inevitably be classes of workers able to meet production targets and quotas, as well as a group that cannot. And the jeopardy is further exacerbated when work is arranged in a production line fashion, where workers rely on product from a previous work station. Where there is a inter-related relationship between work stations and work flow, there is a temptation for workers to not "carry" others who refuse or are unable to do work at a statistically established level of skill and performance. This creates new frustrations and tensions and must be recognized.

The HRP consultants believe that any unionized transit property attempting to review the work system requires a strong, smart union that listens to its members (who are sure to let the union's leadership know if it is straying from their expectations about its proper role). And it requires union leaders who can represent the interests of the members in all aspects of a productivity program.

LABOUR-MANAGEMENT RELATIONSHIPS ARE PROBLEM SOLVING

Labour-management relationships are problem-solving relationships rather than judicial or bargaining processes. Of course, traditional labour-management has some problem-solving aspects to it, and it often sets up problem-solving processes, for example, Health and Safety Committees.

A productivity program may require the union to act as a partner with management, to take on tasks and responsibilities usually reserved for management, such as planning and organization development.

As with management, the type and amount of communications needed in a successful productivity program is greater than in a traditional environment. Unions also need to understand communications taking place within the entire organization. The union may share responsibility for training, including designing the curriculum and conducting classes. Where workers possess skills and talents, they should be encouraged to act as trainers.

Meeting management is a skill important not only to productivity programs, but to the union in making its own meetings more effective.

Productivity negotiations may also be conducted in a different manner. With a stated goal of problem-solving,



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negotiations become "interest-based". The union's legitimate interests include fair income for members, employment security, career mobility, safety on the job, and fair treatment. But, these interests and others are approached as problems to be solved rather than "postures".

Clearly, there is a need for the union to be skilled, competent, proactive, and an equal partner in any productivity program. Many unions struggle with this issue and their roles, trying to marshal adequate resources in the form of money, staff and leadership.

The end result of a productivity program is that the effort makes for a stronger union—the expertise gained is transferable, for example to better stewards' training and bargaining schools.

A productivity program may alter the relationship of the union to its members. It may provide new opportunities to demonstrate the value and importance of the union to its membership. In addition, the union becomes another voice within the corporate family which can ally any fears or concerns that workers may harbour.

Clearly, if productivity programs are to work, managers should not assume that the union is less willing to change than top management. It is necessary to remind management that no matter how enlightened managers are, joint efforts should begin as soon as possible, even to the point of learning together about the productivity issue within the organization. Clearly, a joint study process is important so that a joint

decision can be made to go forward or maintain the existing system and relationship.

Management should welcome union participation and representation on every structure that is a part of the transition process. This means informal design groups as well as high visibility steering committees.

The company as well as the union should be interested in maintaining the union's visibility and independence. If a union is successful in marshalling resources and uses them wisely, many managers will have to take on a new mindset, one that is clear about the union's contribution to a successful and productive work system, and is pleased with the competence and strength of the union.

APPROACHING MANAGEMENT ABOUT PRODUCTIVITY PROGRAMS

Thousands of North American and Canadian organizations are trying to ready themselves for the future. They are thinking about improving quality, service, productivity, while doing more with less. As a result of these trends, unions need to act, especially since most employers do not appreciate or understand the need for union involvement.

If you, as a union leader, and your

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TTC, innovative tool dispensary allows mechanics to use tools without complicated procurement procedures. The system prevents valuable time wasted on paper work, and works on the honour system.

members are not satisfied with recent efforts in a productivity push, you can safely assume that the company's methods do not truly reflect the basic values of employee involvement.

Experience indicates that a company that disregards union concerns, issues and ideas, whether intentionally, through oversight, or ignorance of the importance of union involvement, is likely to fail to reach the goals it says it wants. But is likely to succeed in harming the respect members have for their union and undermining the protections of the contract.

In fact, the union can be the catalyst for success at:

- ☐ **producing a quality service at a fair price**
- ☐ **preparing the industry for the next century**
- ☐ **preserving jobs and making them more interesting and rewarding**



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- protecting current wage rates and increasing future levels of pay, and
- providing opportunities for personal and career development.

Management needs to listen, to appreciate your seriousness, and to understand your knowledge of people, the economy and work.

You can get their attention by:

1. demonstrating that your union knows as much, if not more, than the company about economic factors and how to respond to it.
2. providing a solid analysis of the strengths and weaknesses of the company's efforts.
3. explaining how a partnership with the union will enhance the chances of success.
4. convincing them that union opposition is certain to lead to failure.

CHALLENGING PRODUCTIVITY AND ORGANIZATIONAL REVIEWS WHICH PREVENT FULL UNION PARTICIPATION

What if your company rejects the union's request to be full partner in a productivity program? What if it wilfully and repeatedly violates agreements and understand-

ings about a joint process? The result, even if the company denies it, will be the undermining of a joint process? Further, it also undermines membership support for the union. This situation calls for a union strategy intended to convince the employer that a labour/management partnership is a prerequisite for a true quality of involvement process and is crucial for long-term success.

Union leaders should:

1. Prepare and distribute a Statement of Union Objectives and Direction, i.e., what the union is trying to accomplish in its strategy.
2. Hold membership meetings to educate members about the right and wrong approaches to quality and employee involvement. Circulate articles and analyze good and bad examples, including your transit properties efforts.
3. Train key union people in skills to effectively:
 - monitor team meetings and other "productivity activities, and
 - document examples of the misuse of the productivity process and any violations of the collective agreement or labour laws.
4. Gather high quality, legally sound documentation to demonstrate:
 - abuse of productivity process (by managers playing

favourites or rigging team recommendations)

- hypocrisy of management regarding traditional and new work process,
 - inconsistency of management actions,
 - violation of the collective bargaining agreement, and
 - unilateral changes in the terms of conditions of work (mandatory subjects of collective bargaining)
5. File grievances and unfair labour practices based on the documentation.
 6. Generate publicity for the union's positions and action (for example, a counter-productivity newsletter).
 7. Conduct ongoing training for members on alternative ways of operating.
 8. Designate a credible union official to oversee the campaign.

IF ADDITIONAL ASSISTANCE IS NECESSARY, CONSULT THE CANADIAN COUNCIL. THERE MAY BE ADDITIONAL PRESSURE OR LEGAL ACTIONS THAT CAN CONVINCE THE COMPANY OR SHORT CIRCUIT THE EFFORT.



HUMAN RESOURCE PLANNING AUDIT

A RESPONSE TO PRODUCTIVITY PROGRAMS IN ONTARIO PUBLIC TRANSIT

UNION OPPONENTS OF LABOUR- MANAGEMENT COOPERATION: HAVE TRADITIONALLY TAKEN A CONSISTENT VIEW

A small, but vocal minority of union leaders and activists strenuously oppose in principle the idea of "jointness" between labour and management and ask union members to fight its manifestations such as quality circles, team-based work design and work and shift re-organization. Others agree that the idea is a admirable ideal, but say that it is invariably exploited or misused by management. These views have been echoed by various transit union stakeholders and are reflective of a inherent and deep skepticism for schemes that purport to remedy the alleged ills that plague the transit industry.

It is hard to argue with people who feel that unions and companies must be adversaries in all situations. They seem to believe in class distinctions between labour and management that most of society instinctively rejects. Their conviction is strong, but so is that of the majority of transit union leadership in Ontario Public Transit. In the 1990's union leaders must be good at being adversarial, good at cooperation, and smart enough to know when union members benefit most from one or the other.

Transit union leadership should be



TTC, inventory control systems are top notch. Inventory management appears to work seamlessly so that procurement functions to assist production, not cause delays.

prepared to answer critics of labour-management cooperation while acknowledging that some of their criticism is justified, too often because union leaders do not do a good job of preventing employer abuses.

The HRP consultants, in their consultation with trade unions found what the opponents of labour-management cooperation had to say:

Competition and productivity is not a concern of unions

The first priority of the labour movement is to end its confusion about goals and commit itself to this basic proposition: The job of unions is to defend and improve the con-

ditions of workers even if it costs management more money, even if it reduces productivity, and even if in the short run it hurts our 'competitive position'... The labour movement needs to champion the idea that workers have created plenty of resources — we live in an economy of abundance, not scarcity — and that those resources can be used to improve their working conditions and lives... If the labour movement only echoes the corporate line about "productivity," what good is it?

Mike Parker and Jane Slaughter,
labour activists and authors

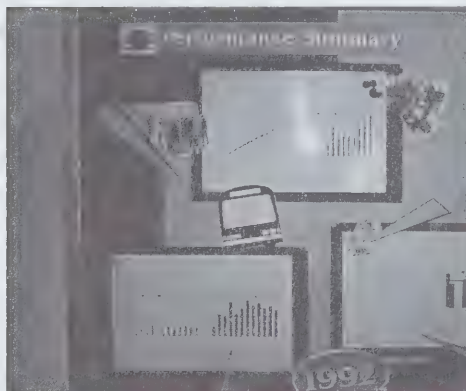
The HRP consultants believe it may be possible to defend all the legiti-



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mate rights and needs of workers and still help improve productivity. A high skill, high wage strategy as a premise in any productivity program, in which the union is a true partner makes it possible.

Furthermore, most union members want their employers to succeed and want satisfaction from their work, the opportunity to grow and learn, and the dignity and respect due to them because of their knowledge and experience. These ideas do not contradict each other. In fact, they complement each other.



HSR, graphs and statistics project well, but do they increase morale, or are they a misplaced effort.

Cooperation is nothing new and has never worked

Our view is that this "new" era of cooperation is, in fact, not new at all. Rather it is a false hope that has been seized from time to time in the past but has never panned out. It has not worked in North America, largely because it is not part of the North American industrial experience. It does not represent what workers want and need or

even what managers should expect in the way of responsible unionism.

Formerly the United Electrical, Radio and Machine Workers of America

For better or worse, the North American experience has been globalized. The past is no longer a prediction for the future, or even the present. Cooperation is not bound to fail, although failure is possible if unions are not able to play their proper role. Responsible unionism now calls for the ability to be a good partner when mutual or non-competing interests are at stake and a good adversary when appropriate.

Cooperation is just another form of concessions

What passes today for workplace democracy today boils down in practice to employee buyouts of aging, non-competitive firms on the periphery of economy, quality circles and quality-of-work-life charades, labour-management productivity committees, profit-sharing and stock-ownership plans, symbolic seats on the boards of directors, a look at the company's books with a right to 'review' and 'advise' and like measures to promote the appearance of enlightened managers and empowered workers. All the while, real control stays firmly in management's hands.

The big corporations are tightening their grip on the economy and proceeding apace with job-slashing, down-sizing, contracting-out, concessions, and other steps to destroy the bargaining power of organized labour."

International Association of Machinists

A RESPONSE TO PRODUCTIVITY PROGRAMS IN ONTARIO PUBLIC TRANSIT

Cooperation and teamwork turn worker against worker

The team concept is more than a mere gimmick; it is an attempt by management to control not only the worker's behaviour on the job, but also the worker's feelings and thoughts. The employer plays upon the worker's desire to suite his or her creativity and intellect. The team concept promises the worker that he or she will be something more than a mere factory hand, calls upon him to think, and asks him to cooperate with management.

But cooperation with management ever so subtly turns into competition with one's fellow workers. In the struggle for productivity and even quality, department is pitted against department, and worker is pitted against worker. What began by appealing to the worker's idealism turns some workers into informers and weakens union solidarity. Often when workers are reluctant to approve the team approach, they are threatened by management with plant closings.

Victor Reuther,
founder and former official
of the United Auto Workers

SOME IN THE ATU HAVE ARGUED FOR A ROLE IN PRODUCTIVITY

Joint Labour/Management Productivity Solutions Offer Lasting Results

Rather than pursue the "siren" call of privatization, we would urge you to explore ways of improving productivity through



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joint efforts involving labour and public sector managements throughout the state to improve the quality and efficiency of transit services. We believe this would be the basis for achieving a truly effective long-term solution to the provision of public transit services in the state.

Let me conclude by stating that New

Jersey is obviously a transit dependent state with millions of its citizens dependent on a safe and sound transit network to commute to work, visit their families and to shop. The ATU has been a long-term partner working with the state and the legislature in fashioning appropriate mechanisms for improving transit operations.

We remain committed to doing so now and in the future. To assist in these deliberations, I have available several reports which document many of the issues raised in my testimony regarding privatization experiences in Colorado and elsewhere.

Vito Forlenze, Chairman, ATU New Jersey State Council



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Free enterprise proponents have created many myths about our Canadian economic system. The most notorious of these is that at some golden age in the past, business, acting alone and unfettered by the State's heavy hand, created a climate of economic prosperity. It's an attractive myth. The reality, however, is somewhat different: "contrary to laissez-faire mythology, Canada was from its very beginnings a partnership between government and big business forged to direct the pattern and character of the economy. Canadian economic development is little else than the history of subsidies, grants, loans and land giveaways to support private industry with capital; tariffs to protect its markets; of leases to give it easy access to public lands from which it could extract resources; of charters for railroads and airlines, public transportation, broadcasting and communications; of tax-free holidays and concessions; and of courts and the police to protect its property.

So close was this partnership that Mackenzie King could say that "political power was united with plutocracy in a bond of self-interest, the former the visible symbol of authority, the latter the governing and directing force in the state".

This business/government partnership profoundly affected the pattern and character of the Canadian economy. It meant a major role for government in the provision of vital services to the business community e.g. energy,

transportation, communications and storage facilities. Collectively these largely government-owned or controlled institutions comprised the economic infrastructure of society; without them, businessmen could not have powered their factories, gained access to raw materials, moved their goods to market nor communicated quickly and relatively inexpensively with their customers.

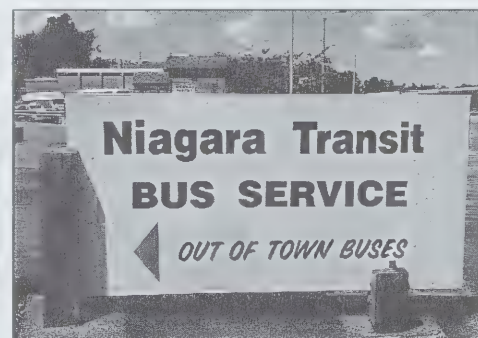
A major reason for the growth of "big government" therefore, has been the consistent provision of services and facilities to the business community. But the business community wasn't alone in receiving such assistance. Labour, farmers and welfare groups fought for and won various kinds of considerations, which meant an even larger role for government.

THE SCOPE OF CONTRACTING OUT

The Federal Auditor General has consistently noted that there is an invisible bureaucracy and has been also described as the "shadow government". You do not find its members on organization charts but they are at work in every government department every day of the year. At one level they clean those offices, type in them, guard them, repair them and so on. At another level, they produce 'macro indicators of the policy environment' or 'innovative and improvisational impact assessments'.

THE COST TO PUBLIC EMPLOYEES

Layoffs destroy an employees' self-esteem and sense of well being and cause economic dislocation which is often catastrophic not only for the employee but for his family as well.



Niagara Transit, an innovative feature, and clearly controversial, is the "for profit" contracting-in of work from the motor coach industry.

Layoffs need never result from contracting out. Indeed, if contracting out were confined to specific, clearly defined technical projects of limited duration (arising from an emergency or the need for highly specialized skills) layoffs simply would not occur.

Though the impact on job security is the most often insidious aspect of contracting out, it is not the only one. Many other aspects of people's working lives are affected:

1. There is much discussion these days regarding the quality of work life. Running directly counter to this is



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the reality that in too many cases, interesting and exciting and innovative work is contracted out while the routine and mundane work is done by permanent employees.

2. Union members experience justifiable frustration working beside contractor personnel who are making more money for performing the same work. Some members of the Professional Institute of the Public Service used vacancy rates and salary surveys to demonstrate "that the vast majority of contract employees are being paid at a rate that is approximately 132.6% higher than the mean rate for equivalent permanent employees. This includes costs of administration, agency fees, commissions, etc".

The HRP consultants note the gut reaction of transit unions who make the point more forcefully: "We object to working on site alongside contractor's employees whose wages are as much as \$6.00 less than the rate noted in the collective agreement."

3. Inasmuch as contract personnel do not belong to bargaining units, they weaken the bargaining power of regular employees in two ways: (i) they detract from the strength of membership insofar as their services substitute for those of full-time members; (ii) they render strikes less effective through their ability (and willingness) to perform work otherwise performed by members of the bargaining unit. In other words, they

are a very real form of "replacement" or "substitute" worker.

4. One of the more galling aspects of contracting out occurs when employees are requested - no, required - to provide on the job instruction to contractors even though these same contractors will be taking work away from actual (or potential) members of the bargaining unit. Though loss of jobs appears the ultimate injury, transit unions also complain that they were "tired of seeing their time wasted by assisting, instructing and preparing for contracts".
5. Adding insult to injury is the fact that it has been the experience of some transit unions that members also have to 'clean up' after the contractors. One transit union official noted that bids include the supplying of personnel, but these contractors sometimes use government equipment until it malfunctions or is lost and then demand that the transit property cease whatever they are doing to repair or replace the equipment. Though not a common situation, it illustrates the broad section of experiences with contractors.
6. All of the above has a debilitating effect on the morale of transit employees. Most enraging, however, are pseudo studies which purport to show how much cheaper it is to contract out and therefore, by inference, how expensive public service employees are. These 'studies' don't show that in those occasional instances where contractors are

cheaper, the 'savings' accrue from the exploitation of the contractors' employees or a reduction in the services provided. (see Kitchen study, Ontario Motor Coach Association, February 1993)

Rarely are the results of these studies released but when they are, they prove to be enlightening. One such study was a comparison of labour hour figures for the return and repair of various instruments between employees of the Atmospheric Environment Service (Federal public employer) and those of the contractor, a company called Sangamo (now Sangamo Schlumberger - IAM International Association of Machinists) Here are just two examples:

(i) Anemometer type 45

"It is stated that Sangamo spent 8.53 hours per unit to repair these instruments as compared to 12.2 hours at A.E.S. Nowhere does it show that of these 13 units Sangamo 'repaired', 11 of them would not pass inspection".

(ii) Tipping Bucket (Bridge and Bucket)

"In the memo it is stated that Sangamo spent 1.56 hours per unit on bridge and bucket assembly while A.E.S. spent 3.6 hours per unit.

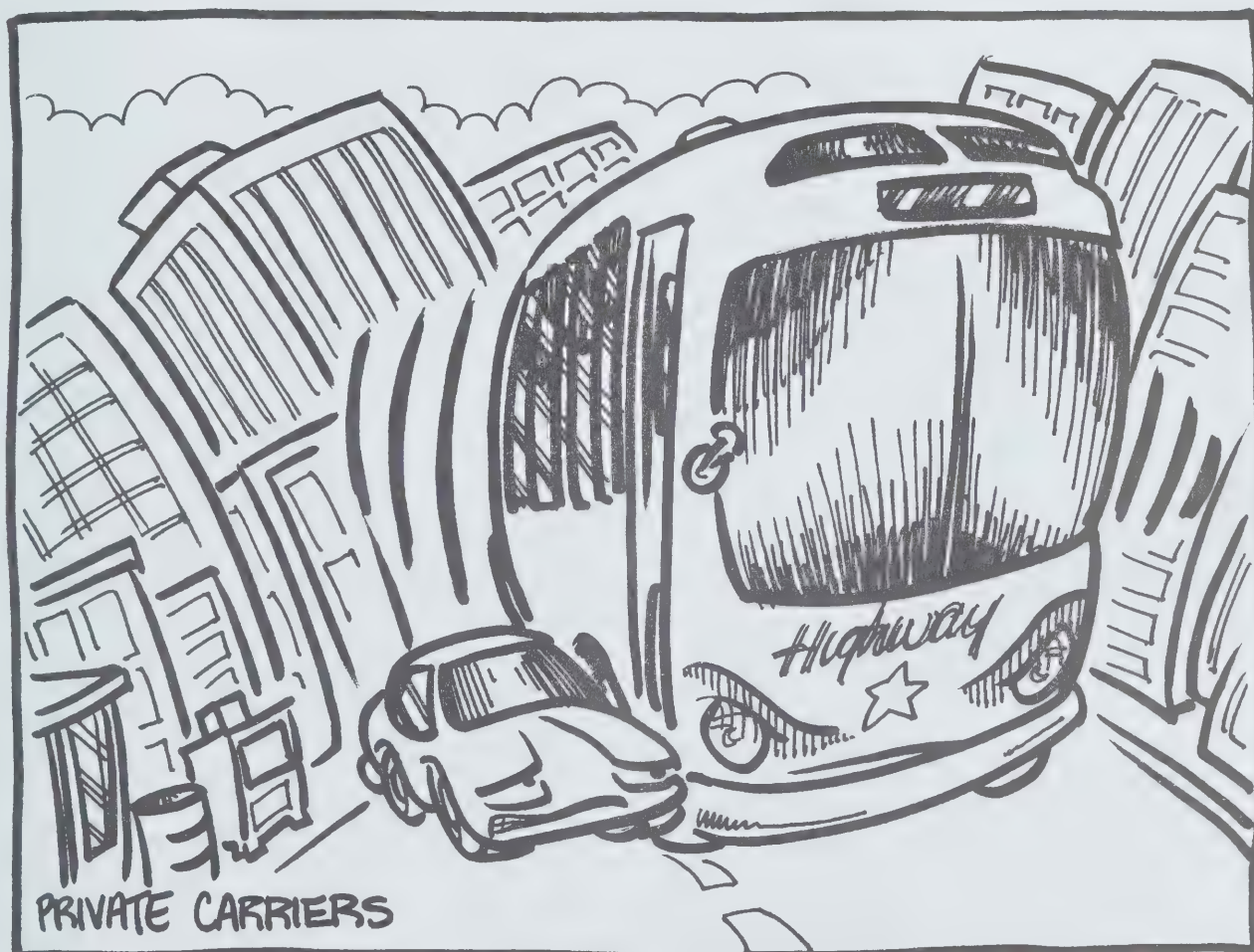
The units done at A.E.S. were subjected to a procedure of three tests that were designed to ensure maximum field operation. Sangamo performs only the



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first test of this procedure. How can man-hours per instrument comparison be made if the same procedures are not used by both parties? The test that Sangamo uses saves a great deal of time but it is bringing a great many complaints from the field".

The HRP consultants reviewed the American experience with respect to contracting-out and privatization,

under of aegis of Federal and State legislation (UMTA - Urban Mass Transportation Administration) which mandates a percentage of transit operations be competitively contracted-out. The 1980's has been a testing ground for full-fledged analysis and review of integrating private contractors into public transit operations.

The first observation is that

although there is no empirical data that public employee are paragons of productivity and exemplars of efficiency. It is equally true and important to note that "no one has demonstrated the superiority of private contractors to government employees. Failing such demonstration, why is the government wasting the talents and energies of public employees by contracting out their



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work? (1989 ATU Convention, California, convention preceding)

THE COST TO THE PUBLIC

The HRP consultants have found that a high level of secrecy generally prevails in the area of relative costs as between public delivery and delivery by contract, thus comparisons are difficult.

In addition, temporary personnel agencies from whom contract personnel are sought duplicate the overheads of contracting organizations and have a profit margin as well. This drives the cost of contract help.

Inferior Service

Higher costs have as their parallel Inferior Service. In a major study of contracting out done in the United States transit industry, the HRP consultants found numerous instances where state or local transit agencies purported to 'save' money by contracting out a certain service when in fact the 'saving' was achieved by allowing the contractor to reduce the amount of service that had been previously performed by public employees. A variety of examples were cited: Denver, Colorado; and New Jersey, New York.

Corruption and Patronage

With billions of dollars spent on con-

tracts year in and year out, it is naive to accept that no 'special' relationship evolves between government and contractors. The permutations and combinations of the patronage connection are almost infinite. If Patronage is one side of the contracting-out coin, corruption is the other. In recent years, corruption has been exposed at all levels of government. In one Federal study, contracting-out is described as "the new political patronage". The inescapable conclusion, according to the study, is that 'contracting-out', far from being a potential financial boom for state and local governments, is a major source of government corruption, financial waste and inefficiency. In many cases it is a major cause of government corruption, financial waste and inefficiency. This is a major concern of governments. In recent years, some of the worst political scandals, some of the biggest fleecings of the taxpayer, were directly due to contracting-out government services — work which in most cases could have been performed more efficiently and at less cost by public employees. The overwhelming evidence shows that the more the public officials deal with the business community, the more the taxpayer suffers - through graft, kickbacks, over-runs, overcharges and poorer services and quality of work.

But let us not place too much emphasis on corruption and dirty-dealing; for even if all contractors were altruistic and none of their government counterparts venal or self-serving, a

danger exists that "contractual services" could lead to the creation of two categories of government employees: one directly employed by the government and subject to its control and benefits, the other operating outside the framework of government and subject to regulations and standards imposed by the private employer.

Given the scope of contracting out and the extent of its impact on both public employees and the public purse, the HRP consultants recommend that:

1. The Ontario Ministry of Transportation review the contracting out issue with a view to establishing the bona fides of the assertions promoted by competitive bidding proponents.
2. Establishment of rigid restrictions on the utilization of service contracts. Such contracts would be confined to specific, clearly defined technical projects of limited duration. The need for these might arise because of emergencies or the lack of an in-house particular skill. It follows, therefore, that there would be no contracting out of work which should and could be done by public employees.
3. Where skills shortages are identified within the transit property, and the industry, it should be discussed with appropriate training structures within the transit property, or municipal council. Further, some assessment should be undertaken which reviews the situation, from skills analysis, and to a remedial action plan which



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attempts to determine if certain skills should be learned, trained, and institutionalized within the transit property. This would most suitably fall within the scope of a periodic training assessment that most organizations conduct for planning purposes. In situations where a strategic planning process is undertaken, at various annual interval levels, it may make sense to review the training plan and priorities within this structure.

4. The establishment of a 'contracting out account' in which all monies spent by all departments and agencies of government on contracting for services would be tabulated and available for public scrutiny. This should be done on a municipal basis (department/agency/commission), as well as provincial (Ministry, Agency, Board or Commission).

LEGAL OVERVIEW

Contracting-out has proven itself to be very troublesome in labour law. Labour boards are left with decisions based on broad unspecified legislation and most often look to arbitrators to make jurisdictional decisions based on language in Collective Agreements. Decisions under the Labour Relations Act most often favour the employer, unless very distinct criteria is met with regards to contract

worker/employer relations, specifically who controls the workers, or if the Union can prove that the employer is using contractors with the sole purpose of union busting.

In order for the Union to claim bargaining agent jurisdiction, they must prove that contracted workers are in fact "employees" of the company. You have the definition of employee as outlined in Article 1 of the Collective Agreement and further, we conclude, as outlined in the Labour Relations Act, that dependent contractors are also "employees" of the employer in making this determination of the company. The most important criteria in determining "employees" of the company is the degree of control exercised by the company over contracted workers. This encompasses who bears the burden of remuneration, who has authority to hire, discipline and fire the workers, who is perceived to be the employer by the workers themselves and whether it is the agency who intends to create a bona fide employment relationship with the workers or whether that is the company's motive.

The board will often consider this criteria in part so long as it is ascertained that the employer controls the majority of these terms and conditions or if it is obvious that the employer wishes merely to break the Union.

The Ontario Labour Relations Board has the authority to deal with issues regarding bargaining unit jurisdiction. In most cases, however, with a Collective Agreement in place which

outlines who falls within the bounds of the Agreement, the labour board will defer these decisions to arbitration.

Arbitrators are bound to consider firstly the language of a Collective



Mississauga Transit, lube, oil, filters, and brake adjustments done in-house, but complicated work contracted-out.

Agreement in order to determine whether contracting can be tolerated. Certainly the Arbitrator will look at the definition of an employee as outlined in the Agreement, weighing also the criteria determining who controls the workers and considering the language in the recognition clause.

This, however, is not enough on its own. Without specific clauses protecting the work performed by members of the bargaining units and outlining the scope of this protection, the employer is free to contract out work at will.

There are various types of clauses that unions use in the attempt to limit or cripple the employer's right to contract out work.

One type is shown as follows:



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"The employer agrees that work or services presently performed or hereafter assigned to the Collective Bargaining Unit shall not be subcontracted, transferred, leased, assigned, or conveyed, in whole or in part, to any other plant, person, company or non-unit employee"



Transit Windsor, facilities sharing with municipality is accepted practice.

Although strong, such clauses do not afford the degree of protection we might expect. It has been awarded, under similar language, that if there are no members in the bargaining unit available to do the work, the employer can contract out under emergency situations.

Clauses such as 36.03 in the Agreement between the Municipality of Metro Toronto and CUPE Local 43, require the company to consult with the Union prior to contracting out work. This clause is fairly similar to the language in the Toronto Transit Commission and ATU Local 113

Agreement. It is the consensus of trade union leadership involved with these agreements that these clauses are only effective where agreement to consult is in good faith with a provision that the trade union have a limited period of time to offer alternative suggestions and arrangements, brought out by the Union. An assumption exists that this is exercised with due diligence on the part of trade unions, and that management seriously considers trade union alternate proposals to contracting out.

No lay-off clauses are also a hindrance to contracting-out of work. These can be included in Tech Change provisions and Employment Security clauses as outlined in 36.01 (a) (b) of the Agreement between the Municipality of Metro Toronto and CUPE Local 43. This clause allows for contractors to displace union members, however, the displaced member must be given alternative employment. Even iron clad job security clauses are not protection enough. Often management will replace positions lost through attrition with contractors.

Ideally, the goal of any job security language is to broaden the language of the Agreement to draw workers into the bargaining unit, who are now working for sub-contractors.

An example would be:

31.01 "In order to provide job security for the members of the bargaining unit, the employer agrees that all work or services performed by the employees shall not be sub-contracted, transferred, leased, assigned, or conveyed, in whole

or in part, to any other plant, person company, or non-unit employee."

31.02 "During the term of this agreement, the employer will bring under direct operation the following services which have been contracted out:

In all work presently contracted out, all sub-contractors of the employer shall provide wages and conditions of employment which are at least equal to the terms of this agreement."

MODEL PROTECTION AGAINST CONTRACTING-OUT

Getting effective contract language must be seen as an essential part of halting contracting out. One of the reasons that this is ever so important is that the transit industry has been in a prolonged period of restructuring, which has caused a downsizing of staff. At precisely the same time, actual or potential jobs are being contracted-out. As part of a labour force adjustment strategy, it is questionable whether this contradiction can continue. More and more attention is now being focused on ways to absorb displaced employees from the repercussions of downsizing by maximizing employment opportunities which could be performed in-house, and which are currently farmed out to contractors.

Effective contract language appears

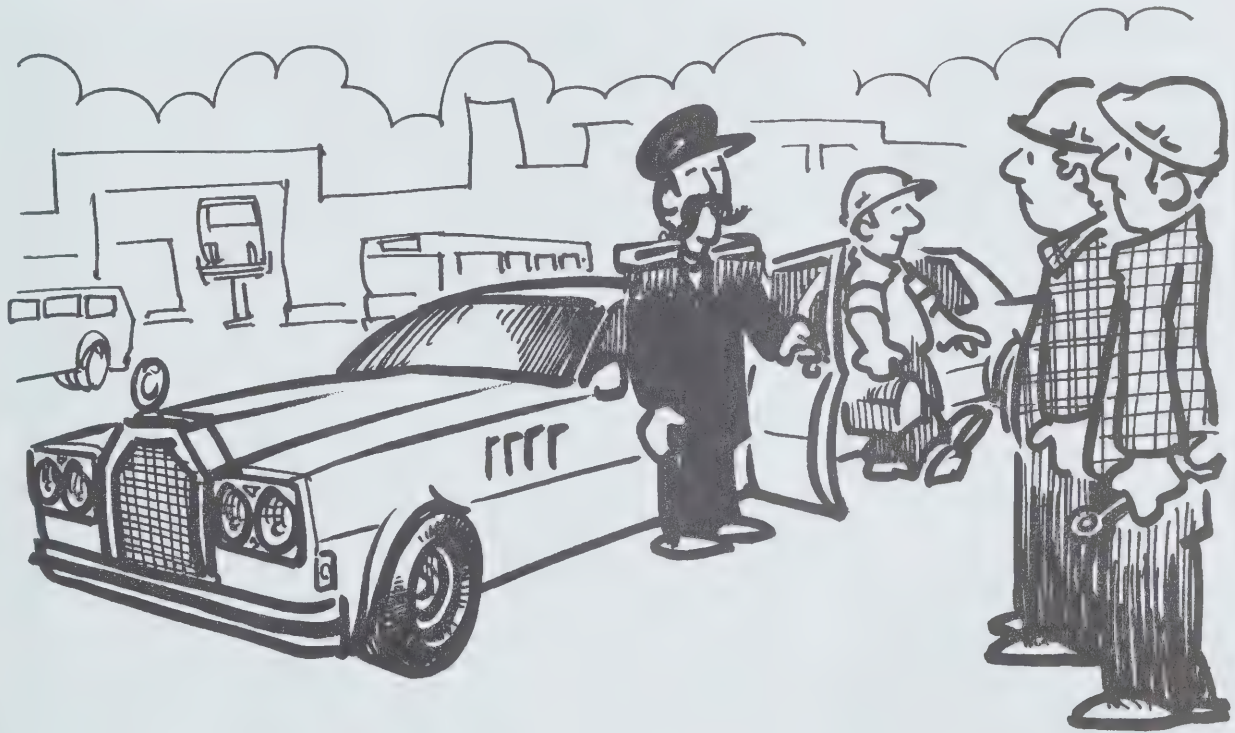




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FAIR WAGE

to be the only way to stop or stem the flow of contracted-out work. It can also bring contracted-out work back into the bargaining unit.

HRPA consultants found that there is an urgent need for transit unions to negotiate both types of provisions into their collective agreements. As Ken Foster, Executive Secretary of the ATU Canadian Council stated, "we simply cannot afford the luxury of using these

clauses as throw-away items at the bargaining table."

Without collective agreement protection locals are vulnerable to all the negative consequences of contracting-out. And without this protection, transit trade unions noted they will be forced to expend time and energy to collect background information, prepare briefs, organize political lobbies, hold demonstrations, conduct study

sessions and utilize other techniques to stop the threat.

Below, the HRPA consultants have conducted a review of collective agreement language required to prevent contracting-out and then briefly assess the existing level of protection now found in collective agreements across the country. The information is presented to show you where the trade union stands and what remains to be done.



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MODEL PROTECTION

The best possible collective agreement protection against contracting-out would contain these three elements: a total ban on future contracting-out, an agreement that work already contracted-out will be brought back into the bargaining unit as soon as possible and that, in the meantime, all subcontractors will provide wages and working conditions at least equal to those in the collective agreement. The following model language would provide such protection.



OC Transpo, brake drums are machined in-house, which appears to be consistent with other medium to large sized transit properties.

1. Restrictions on Contracting-out

In order to provide job security for the members of the bargaining unit, the Employer agrees that all work or services performed by the employees shall not be subcontracted, transferred, leased, assigned, or conveyed, in whole

or in part, to any other plant, person, company or non-unit employee.

2. Subcontractors

During the term of this agreement, the Employer will bring under direct operation the following services which have been contracted-out:

3. Fair Wage Policy

In all work at present contracted-out, all subcontractors of the Employer shall provide wages and conditions of employment which are at least equal to the terms of this agreement.

The first clause, "Restriction on Contracting-out", prevents the Employer from contracting-out work now performed by members of the bargaining unit. It does not prevent the Employer from contracting-out work which is outside the scope of the bargaining unit.

The second clause stipulates that by the termination date of the collective agreement, the contracts for those services listed must be terminated; these services are then to be directly controlled by the Employer.

The third clause provides that during the term of the collective agreement, no contract employee shall be paid wages or work under conditions which are inferior to those provided for in the collective agreement.

Only a very small minority of municipal collective agreements contain a ban on contracting-out. Such bans, however, are an emerging trend which can and need to be reinforced. In Quebec, for example, about 30 per cent of municipal collective agree-

ments contain provisions which protect and completely restricts the contracting-out of any work currently performed by members of the bargaining unit. The other two-thirds of Quebec municipal workers are covered by a provision which stipulates that if the employer contracts-out work, at least the jobs of all present bargaining unit members must be protected. The difficulty with the latter form of protection is, of course, the attrition problem.

The HRP consultants have identified at least eight different kinds of clauses in collective agreements that provide some protection against contracting-out and privatization. Each of these types of clauses has been given a Code number (from 1 to 8, and Code 9 which is a general "other" category) for purposes of calculating how many contracts have each type of clause. The eight different clauses are:

Code 1

Complete restriction on contracting-out of any work presently performed by the bargaining unit. This is the best protection.

Code 2

No contracting-out if bargaining unit members are able to perform the work.

Code 3

Employer may contract-out but must guarantee the jobs of all present bargaining unit employees.

Code 4

Employer may contract-out but must guarantee the jobs of some employees, e.g. those hired before a certain date.



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Code 5

Employer may contract-out but has some obligation to find other work for displaced employees.

Code 6

The employer will consult with the union prior to contracting-out

Code 7

The employer will notify the union prior to contracting-out work.

Code 8

Employer may contract-out but must require subcontractor to provide a certain level of pay and benefits.

Using the coding system described above, a more detailed picture emerges on the actual extent of protection against contracting-out contained in municipal collective agreements. A

summary is presented in the table below.

To begin with, 31% of municipal collective agreement have no protection at all against contracting-out. Relatively few agreements, only 4%, are covered by the strong language referred to as Codes 1 and 2. This indicates clearly that such "model" protection is not easy to negotiate. However, when you consider that such clauses can be found in 8% of municipal contracts, the figures also indicate that some unions have been able to get the kind of protection they need.

Unfortunately, the table shows that most municipal agreements, covering the majority of municipal agreements, do not have the level of protection

required to stop the employer from contracting-out.

CONTRACTING OUT

Contracting out is an employer practice under which parts of a manufacturing process, plant maintenance or other work functions are given to outside contractors to perform with their own work forces. Usually contracting out is undertaken as an economy measure, but it may also be proposed where the employer's own work force cannot handle the job in question, the project is short-term, or an emergency has arisen which was unforeseen by the employer. However, contracting out is a matter of serious concern for unions, since a bargaining unit can be destroyed by such action.

CLAUSES AND COMMENT

Complete Prohibition

5.01 Except to the extent and to the degree agreed upon by the Parties, no work customarily performed by an employee covered by this agreement shall be performed by another employee of the Corporation or by a person who is not an employee of the Corporation.

5.02 The Company shall not contract

Restrictions Against Contracting-out

Total Agreements / Employees

| | | |
|--------------|-------|-------|
| No provision | 42.4 | 31.0 |
| 1 | 6.3 | 2.1 |
| 2 | 1.4 | 1.9 |
| 3 | 33.9 | 47.1 |
| 4 | 8.8 | 9.8 |
| 5 | 1.5 | 1.2 |
| 6 | 2.9 | 5.0 |
| 7 | 2.0 | 0.9 |
| 8 | 0.8 | 1.0 |
| TOTAL | 100.0 | 100.0 |



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out work regularly performed by the classifications set out in this Agreement without the prior approval of the Joint Standing Committee on Contracting Out and Technological Change

HRPA Consultant Comment

These clauses prevent contracting out of bargaining unit work. Where work has been contracted out in the past, unions may propose that it be returned to the bargaining unit during the term of the collective agreement. Employers will sometimes propose that the word "normally" precede the word "performed". The effect of this modification

ees, this should be explicitly stated. One arbitrator has held that clauses prohibiting the contracting out of bargaining unit work are effective only with respect to the actual work usually performed by employees at the time the contract was signed. In order to ensure that new work, which has not been previously performed, is not contracted-out, some collective agreements provide that the clause applies not only to work which is "performed by the employees", but also to work which "could be performed by the employees".

Partial Restrictions

5.03 Effective September 1, 1992, the hospital shall not contract out any work usually performed by members of this bargaining unit if, as a result of such contracting out, a lay-off of any employees other than casual part-time employees follows. Contracting out to an employer who is organized and who will employ the employees of the bargaining unit who would otherwise be laid off is not a breach of this provision.

5.04 No bargaining unit employee shall be laid off or terminated as a result of the employer contracting out any of its work or service.

5.05 No employee will be terminated, laid-off, or have their regularly scheduled work day or regularly scheduled work week reduced as a result of contracting out.

5.06 Should the Employer contract out work, the Employer agrees to provide other positions for any staff that would normally be laid off by the decision to

contract out work and the employees' salary at the time of contracting out shall be maintained during the duration of this contract.

5.07 The Commission shall not contract out any work performed by the classifications set out in this agreement while any employees are laid off or when any lay-offs are being contemplated.

5.08 No work will be contracted out which is normally performed by members of the bargaining unit while employees are laid off, working short time, or which would reduce the working force.

HRPA Consultant Comment

These clauses allow contracting-out provided that no existing employees are laid off or terminated, but they do not prevent the employer from transferring employees from one job to another or from reducing the workforce by attrition as a result of contracting out bargaining unit work. In other words, while the clauses protect the employees, they do not protect the jobs in the bargaining unit.

As it is, it may be difficult to establish that a particular layoff does not occur immediately after the contracting out. Thus, a clause similar to those set out above has been held to be ineffective to prohibit the contracting out of bargaining unit work where employees were laid off a year prior to the contracting out and, as a result, the essential causal connection had not been established between the contracting



OC Transpo, is one of the leaders in terms of vertically integrated supply structure. Everything is performed in-house.

would be to allow the contracting out of work which, although it may have been performed at some time by the employees in the past, or may be currently performed by them. If the parties intend to prohibit the contracting out of all bargaining unit work, whether or not it is regularly performed by employ-



HUMAN RESOURCE PLANNING AUDIT

SERVICE DELIVERY MODELS IN PUBLIC TRANSIT Contracting Out/Privatization

out and the layoff of bargaining unit employees.

In this respect, some clauses prohibit contracting out of bargaining unit work where employees are on layoff, or where contracting out would result in a loss of hours of work, or pay, or a reduction in the amount of work available to bargaining unit members, or employees in the bargaining unit would be denied employment, or an opportunity for employment.

Employers may propose a proviso to ensure that the employees at work or on layoff can perform the work in question. In this respect, it has been held that, in the absence of language to the contrary, a clause prohibiting contracting out where there is a person available who is qualified to do the work does not compel the employer to hire additional qualified employees, where none are available, before contracting out the work.

Advance Notice Required

5.09 Except in case of emergency, the Hospital agrees to give the Unit notice in writing, at least one hundred and eighty (180) days' prior to contracting out any work which may result in the layoff of any employee in the bargaining unit. Discussions will commence between the parties within ten (10) days of such notice and every reasonable effort will be made to provide continuing employment for affected employees with the contractor or with some other Department of the Hospital.

5.10 In the event the Company anticipates a reduction in staff due to a decision to contract out a significant amount of work normally performed by employees coming within the scope of this Agreement, the Company shall provide the Union with:

- a) The reasons for such decision;
- b) The anticipated number of employees who would be adversely affected;
- c) A minimum of thirty (30) calendar days' notice prior to the implementation of such decision.

In the event a satisfactory alternative to contracting out in terms of efficiency, cost, quality of work, and other factors is possible, the Company agrees to explore possible alternatives to such contracting out with the Union. The company shall meet with the Union prior to implementation of a contracting out decision in order to determine whether or not such decision should proceed as planned, be cancelled, or amended.

5.11 The Company does not intend to subcontract work if such work can be performed by employees presently at work or by employees who might be on layoff at the time such work is necessary and we hereby agree that before any work is contracted out in the future Local Management will discuss its intentions with the Local Union Committee. In such discussions the Company will explain its reasons for its tentative decision to subcontract such work and give the Local Union an opportunity to suggest ways in which the work might otherwise be per-

formed. The Company will give due consideration to the suggestions of the Local Union before making its final decision as to whether or not such work will be subcontracted.

HRPA Consultant Comment

These clauses allow contracting out provided the proper notice is given. The Parties may agree that such notice must include reasons. However, a failure on the part of the employer to give the required notice, or consult the union, may not invalidate the subcontract. Rather than reversing the employer's action, arbitrators have so far only awarded damages for failure to consult the union. How much is the right to be consulted worth? It depends on the amount of wages lost, and the chance of persuading the employer that the work should be awarded to the union's members. In one award, an arbitrator held that the union had a 1 in 20 chance of persuading the company to award the work to its members and therefore awarded only \$750 although the employees lost the opportunity to earn \$15,000 in wages. In short, a right to be consulted may not be worth much. For this reason, a union may propose language providing that, in the event of a failure to give the required notice, the contracting out shall be deemed null and void.

If an employer has firm plans to contract out at the time of negotiations, it is bound by duty to bargain in good faith to disclose those plans to the union. However, there is no obligation



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to disclose plans which have not been firmed up unless the union requests information about such plans during the negotiations. Moreover, the employer has no obligation, under labour relations legislation, to negotiate with the union over a proposed subcontract of bargaining unit work, if the decision to contract out is made during the currency of the collective agreement. Hence, in order to ensure that contracting out does not take place without an opportunity to negotiate, a union may propose a clause requiring that "in the event the employer decides to contract out work, it shall first give notice to the union during negotiations for the renewal of the collective agreement".

Subcontracting Clause

5.12 The Employers each agree not to subcontract asphalt or concrete paving or curb and gutter work to subcontractors other than those who employee members of the Union.

5.13 In the event of subletting, the Employer agrees that any and all of the acknowledged work herein contained in Article 6 (Recognition of Jurisdiction) must be sublet to an Employer who has become a signatory to this Provincial Agreement

HRPA Consultant Comment

These clauses, which are common in the construction industry, allow a contractor to subcontract work only to a contractor who employs members of the union or is bound by the union's collective agreement.

Non-Affiliation Clause

5.14 The Union reserves the right to render assistance to other labour organizations. Refusal on the part of the Union members to work with non-Union workmen whose organization is not affiliated to a Building Trades Council, shall not be deemed a breach of this Agreement.

5.15 The engager shall not require any member of ACTRA to take part in any production with anyone who is not at the time of engagement a member of ACTRA or who does not hold a work permit or who is not eligible to work due to the terms of an Agreement between ACTRA and another union.

HRPA Consultant Comment

These clauses are also common in the construction industry, permit employees to refuse to work alongside non-unionized workers.

CHECKLIST

1. Has the meaning of bargaining unit work been defined? For example, does it include inventory-taking? Maintenance and repair of equipment? Emergency operations? Services performed by volunteers?
2. Does the language of the collective agreement prohibit the contracting out of all bargaining unit work, of work normally performed by bargaining unit employees, or of specified kinds of work only?
3. Does the clause protect bargaining unit work or merely the jobs of those

currently performing it? If the latter, does it also protect against loss of pay, or hours of work, or overtime opportunities. Does it prevent transfers, demotions, or shift changes? Does it apply when some employees are already on layoff or does it simply preclude further layoffs?

4. Does the clause provide for advance notice, reasons and consultation if contracting out is permitted? If so, what remedy is provided for failure to give the required notice within the stipulated time or to consult the union? Does the clause provide that the subcontract is thereby rendered null and void? Does the collective agreement require that an opportunity be afforded for negotiation and/or arbitration before contracting out can proceed?

CONTRACTING ESTABLISHES THE WRONG PRIORITY FOR PUBLIC TRANSPORTATION

The HRPAs consultants believe there are five major concerns with contracting out and privatization of urban transit systems.

1. Privatization establishes the wrong priority for public transportation systems.
The primary goal of urban transportation policy should be to



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improve speed, safety, and convenience of metropolitan travel. The primary goal of privatization policy is to reduce the tax money that publicly owned systems receive to transport transit-dependent people. Thus privatization appears to be a significant break with past provincial policy that viewed public transportation expenditures as investments in the Ontario's productive capacity.

2. Contracting out and privatization confuses efficiency and effectiveness of transportation systems with lowering cost on individual routes. Contracting out and privatization advocates assume that urban transportation networks are merely a collection of separable routes rather than complete systems. But, in fact, the measure of the success or failure of public transportation lies in its ability to move travellers between any two points in a designated service area, not just between two points on a given route. One result is that privatization advocates typically omit from their competitive cost analysis the necessary cost of increased supervision and coordination which a contracted out or privatized, route-focused approach requires.
3. In the United States, under Federal legislation which established a policy of privatization and coordinated by the Urban Mass Transportation Administration (UMTA). The underlying purpose was to force state and local transportation authorities

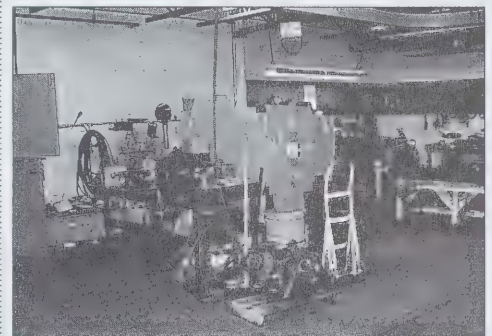
to convert a significant proportion of their systems from public to private operation.

One of the main criticisms of the UMTA studies purporting to show significant savings through privatization, have in fact been criticized as being methodologically flawed and their conclusions unjustified by the underlying data. The flaws which have been flagged are:

- ☐ Compare the "fully allocated" public cost for a given route, which includes a share of the cost of planning, programming, financing, marketing, monitoring, and coordinating an entire transportation network, with the private bid for a route, which does not apply..
- ☐ Compare the allocated cost of running a public system to the initial bid by a private contractor. Since it is common practice to deliberately underbid in order to get the first contract and capture the market, bids cannot be assumed to represent the actual cost of private operation, which ultimately will be passed on to the public.
- ☐ Ignore the furnishing to private contractors of public equipment and services in the calculation of private costs.
- ☐ Do not measure any differences in quality of service such as travel time, reliability, comfort - that may result from privatization. Inasmuch as the cost of any service can be lowered by reducing

the quality of the service, ignoring such changes makes cost comparisons meaningless.

Available evidence indicates that true cost comparisons would show that contracting out and privatization has not been successful as a general strategy to contain costs, and may actually force increased cost onto the public.



Mississauga Transit, work shop condition may be a reflection of a reliance on outside contractors.

4. The hope for savings from contracting out and privatization rests upon an inaccurate conception of how public contracting operates in practice. It does not take into account the real-world market strategies of public contracting in which establishing monopolies, influencing public officials, and obtaining hidden subsidies are commonly used to enrich private investors at public expense. When contracting is examined against these real world constraints, the evidence indicates that the market for



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contracted services operates less like textbook competition and more like textbook monopoly or oligopoly, in which prices are driven as much by relative bargaining power and political considerations as by underlying production cost. Contrary to the claim that contracting out and privatization will lessen the political factor in operating public transportation systems, developing experience in the United States

suggests the opposite is true.

In conclusion, although it is important to know the legislation, the real focus against contracting-out should be tackled initially through Collective Bargaining. It is critical for the Union to be aware of the Company's contracting out plans before bargaining. The company must release this information in order to ensure bargaining in good faith. With the statistics at hand, the

Bargaining Committee can adopt clauses that will ensure protection and interests of the public, transit system, and trade union.

Most importantly, the membership must be aware that the best way to tackle contracting-out is through negotiations and trade union membership awareness of the labour force adjustment implications of alternative service delivery models (contracting-out).



HUMAN RESOURCE PLANNING AUDIT

CHILD CARE PROBLEMS: IMPACT ON EMPLOYEE PRODUCTIVITY



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CHILD CARE PROBLEMS: IMPACT ON EMPLOYEE PRODUCTIVITY

Assisting employees with family/work conflicts and, in particular, with child care problems has never been a priority for most organizations, including public transit employers. The HRP consultants reviewed research in Ontario, coupled with observations of others who have reviewed this issue in various transit properties, suggest that the provision of support for problems posed by dual-career and single-parent family structures and by the increasingly complex out-of-sync work schedules of most families makes good sense, since both employers and employees benefit from that support.

With the number of women holding permanent jobs in the work force on the rise, why has it taken so long to address family/work conflicts especially child care issues? And why, even today, are relatively few transit employers assisting their employees with these problems. A common justification echoed to the HRP consultants is that many transit employers doubt that such assistance yields any real benefit to the organization. Traditional arguments indicate on-site child care as extremely expensive and that no clear evidence exists to indicate that the benefits of such programs outweigh the costs.

One of the mitigating factors expressed by trade union officials was the fact that there really hasn't been an expressed need. Although there is a recognition that work/family conflict is always lurking beneath the surface in

many of the problems that employees experience. Some officials indicated that the current Employee Assistance Programs (EAP) attempt to remedy these kinds of problems, but in the final analysis, EAP does not really innovate or expand their mandate to in effect become service providers, as opposed to referral specialists. In fact, it was argued that perhaps there must be a critical rethink of our existing EAP structures to ensure that they remain contemporary, innovative, and responsive to the changing needs of the employees in the organization. There is a general sense that the EAPs have functioned on automatic pilot. There is a real need to examine the mandate to ensure that the program does not become another bureaucratic process appended to the transit systems operations.

With the number of women holding permanent jobs in the work force on the rise, why has it taken so long to address family/work conflicts especially child care issues?

The HRP consultants reviewed the issue from the perspective that perhaps child care was one of the many factors which may contribute to absenteeism rates in the transit industry. The consultants reviewed available data in Ontario, as well as from the Washington based head office of the Amalgamated Transit Union. The gen-

eral consensus is that the type of assistance offered varied from on-site care centres and family day care networks to referral services, support community-based programs, and educational programs for parents. Over half of all Ontario companies involved in company sponsored child care services increased productivity and reduced absenteeism and employee turnover. Further, a significant number of employers also found that providing child care assistance reduced tardiness.

The issue of child care also drew widely divergent views. Although there is a general consensus that child care services would be of assistance, there were concerns and fear that providing child care assistance would discriminate against employees who have no children, or whose children have already grown-up. Conversely, an argument was also made that if we help employees with young children, then, in the name of equity are we not also obliged to help those who must take care of older parents.

The HRP consultants also found that in discussions with trade union officials that there are other reasons besides cost and the equity issue that employers advance for their resistance to becoming involved with the personal family issue of child care problems and family/work conflicts. There is a general underlying belief that some transit employers simply deny that these problems are within the transit properties purview, regardless of the possible cost in lost time and lowered



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productivity. Some union officials believe that the absence of day care resources available to employees is rooted in an antiquated view of woman's role in society on a macro level, and in the workplace on a micro level.

One transit union official stated that the main reason that transit employers have failed to deal with the family/work conflict, and with child care in particular, is that these are almost exclusively women's issues, and transit organizations, both employer and trade union, are still dominated by older men who come from traditional, sexist family role models and who still believe, women must simply accept as their own responsibility the problems of balancing dual family/work roles and resolving the issues of child care.

Considering the obvious facts of women's presence in the work force, child care and family/work problems cannot be dismissed by means of philosophy or ideology, nor are these problems going to go away. If Ontario transit wants a productive work force that will enable transit to remain a viable and efficient alternative to other transportation modes, it must come to grips with these issues. The question is not one of equity or woman's proper role; it is, purely and simply, a matter of bottom line.

The HRP consultants found that family/work conflict resulted in a greater likelihood of missed work, arriving late for work, or leaving work early. One final comment regarding the

Angus Reid "Calgary Transit Stress Study: IDENTIFYING, MEASURING AND ADDRESSING STRESS AMONG CALGARY TRANSIT EMPLOYEES. Although the Calgary study presents a comprehensive nuts and bolts assessment of Calgary Transits "organization soundness". The Angus Reid report is silent on the very topical issue of family/work conflict in relation to stress. On that very point, the HRP consultants found that the *raison d'être* for the Calgary review was

Child care and family/work problems cannot be dismissed ... If Ontario transit wants a productive work force that will enable transit to remain a viable and efficient alternative to other transportation modes, it must come to grips with these issues.

to identify stress factors in the transit system in response to considerable media scrutiny regarding safety related issues and internal changes which allegedly caused increased stress among employees. As a result, Mayor Al Duerr requested that a review of stress among Calgary Transit employees be undertaken. For whatever reason, the family/work conflict situation was not thoroughly reviewed in the context of morale and stress concerns external of work. Clearly, the Calgary study cannot

be interpreted as an examination of the family/work conflict situation which has been identified by the HRP consultants as a concern among transit employees.

RECOMMENDATION

That the Ontario transit industry begin to investigate potential pilot projects which would establish viable day care services as an in-house benefit/service. The cost should also be based on competitive market rates for similar services. In addition, the HRP consultants would caution that any proposed day care service must remain accessible to all employees of the organization. This must not be a perk for senior employees who earn more money. In fact, the experience of Ministry of Transportation employees at Downsview might prove instructive. When the pilot day care centre was opened at their Downsview head office, there were persistent complaints that although the concept is commendable and necessary, the economics of the model began to break down for employees. One of the major concerns related to cost, thus preventing the full participation of the employee population who clearly need and would have benefited from a more accessible workplace day care facility.



HUMAN RESOURCE PLANNING AUDIT

PART TIME OPERATORS: A LOVE/HATE AFFAIR



HUMAN RESOURCE PLANNING AUDIT

PART TIME OPERATORS: A LOVE/HATE AFFAIR

The increased difficulty of obtaining transit subsidies coupled with declining ridership in recent years has produced a corresponding increase in concern over operating efficiency and labour productivity. The use of part-time operators (PTOs) has emerged as one of managements most widely adopted, yet controversial, methods for productivity improvement. Pioneered by a handful of transit properties in the United States during the late 1970's, contract provisions allowing the use of PTOs became nearly universal in the United States during the early 1980's. Although, the Canadian experience has not produced nor tended to follow the south of the boarder PTO phenomenon.

A typical transit agency will have about twice as many vehicles in operation during the peak hours as at midday. Management has argued that PTOs provide a simple, efficient way to staff those peak hour vehicles. Without PTOs, the property must choose between two inefficient solutions. It can either schedule long split runs — a few hours work during the morning and evening peaks — or schedule available pieces of work and bring wages up to the eight hour daily guarantee. Management has argued that either solution means that the transit property pays for more labour hours than it uses, so the argument goes. Management says PTOs are also desirable because they enable the transit property to match operator work schedules to vehicle work schedules.

Transit unions have opposed the use of PTOs. They see part-time labour as a

threat to their job security, their hard-won improvement in working conditions, and their premium pay. Such opposition has resulted in difficult contract negotiations and lengthy strikes.

EFFECT OF PART-TIME LABOUR (PTL) ON DIRECT COSTS

The major effect of PTL is an increase in labour productivity at the transit property, or dollars spent on hours of work. The secondary effect is a decrease in fringe benefit costs because PTOs generally receive fewer fringe benefits than Full-time Operators (FTOs). There is some savings from lower PTO wages: either because the PTO scale is lower, or because PTO turnover keeps the average operator on a lower part of the wage progression. Yet management has consistently argued during transit negotiations (which is when the issue usually arises) that wage and benefit parity will be paid to PTO's. Yet for how long.

Chomitz and Lave, 1981 developed estimates of the likely savings to be expected from PTL.

HOW MUCH DOES PTL SAVE

Unfortunately, the answer is inherently ambiguous in many, per-



Mississauga Transit, like safety shoes to construction workers, RECARO seats prevent operator injuries.

haps most situations. Suppose a transit property wins the right to use PTOs, which could improve the efficiency of its current schedule by 7%; but it decides to increase peak hour service, thus the new peak/base ratio is inherently 5% less efficient. The end result is a 2% reduction in operator costs. Is the saving from PTL 2% or 7%? Furthermore, if you took PTOs away from the new, enhanced schedule costs would increase costs by 11%. Now there are three numbers to chose



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among, meaning there is no theoretically correct answer. Unless the peak/base ratio remains constant, the best that can be said is, "The transit property won the right to use PTOs and decided to spend some of those potential savings to expand peak hour service." The myriad approach to costing PTL should be examined very closely by the trade union to determine exactly what costing approach is being used in negotiations.

THE EFFECT OF OPERATING ENVIRONMENT ON PTL SAVINGS

The effect of PTL is dependent upon two major factors: the peak/base ratio and the existing work rules. Other things being equal, the higher the peak/base ratio, or the more comprehensive the work rules, the greater the saving to be expected from use of part-time labour. A relatively simple method for predicting PTL savings emerges.

Schedule efficiency is measured as the ratio: hours-of-pay/hours-of-driving. If an operator receives ten hours of pay for eight hours of driving, the ratio is 1.25. By custom, driving-hours are called platform-hours, and the schedule efficiency ratio is usually shortened to the "pay/plat" ratio. Pay/plat can never get below about 1.04 because a small portion of the

work shift is spent on non-driving activities such as checking in, etc. But most transit properties operate in the range of 1.15-1.25, which management argues in an indicator for significant improvement.

INDIRECT EFFECTS:

RELIABILITY, EFFECT ON FTOs, COST OF GIVE-BACKS

When the use of PTOs was first proposed, one of the principal concerns was whether PTOs would be as committed and reliable as full time operators. This is a concern still raised. Some U.S. research suggests two aspects of PTO job performance: absenteeism, and accidents provide no better or not worse experience than with FTO. The HRP consultants believe that the absenteeism and accident rates form a rather narrow range of performance indicators in which to assess operators. In fact, concerns have been raised by unions and transit management about PTO operator attitudes i.e., non-committal corporate attitude (since 75-80% of all PTOs want a full-time job), and poor customer relations. Thus, PTOs present a quandary for management. Does a property save money with a segment of the work force who are frustrated, perhaps demotivated because they need and want

a full time job. Coupled with the fact that this attitude may incur consequences with respect to the image of the transit property among transit patrons. It presents a dichotomy not easily resolved.

ANALYSIS OF ABSENTEEISM

Transit management in the United States and Canada found that increases in the amount of paid sick pay available to an operator causes an increase in observed absenteeism. Additionally, they also argue that successive increases in sick pay produced about a 2-day rise in absenteeism. Thus, absenteeism, and its associated costs are one of the most compelling reasons for management to find alternative cost saving measures like PTOs.

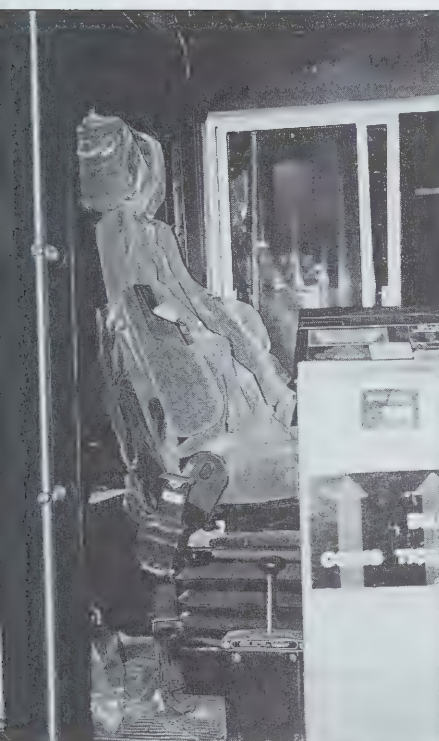
The unions argue that work rules, and leaves of absence for family, personal, or compassionate grounds without pay, are routinely denied. This creates a situation, albeit difficult to truly quantify, indicating the workers culpability (absenteeism), directly arises out of the culpability of management (by denying leave requests). And it is at that juncture where the issue and politics surrounding PTO gets cloudy.

The HRP consultants will be reviewing in the Labour Relations Module, absenteeism from a non-disciplinary perspective. Identifying solu-



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R, a newly installed Recaro seat, and electronic boxes are part of the changing workplace for transit operators.

tions outside of the disciplinary monitoring approaches routinely advocated by transit management.

Finally, if irregular work causes increases in absenteeism and accidents, according to studies. Then a jeopardy may exist depending on the type of scheduling, since there could invariably result situations whereby PTOs end up with the left over and irregular pieces of work. This would certainly create additional pressures on employee morale, if important.

ATTRITION EFFECTS

There is also a tendency to hire the "wrong" people for part-time work. First, estimates from managers or unions indicate that 70-85% of the PTOs really want full time work. Second, PTO quit-rates go up when more jobs are available outside the transit industry, and they go down when area-unemployment increases. The consequences of hiring the wrong part-timers are varied. Higher attrition produces higher accident costs because a higher proportion of the PTOs will be on the low-experience portion of the accident curve.

EFFECTS OF FTOs

Research shows that impacts of PTL on full-time drivers are mixed. First, unions have been highly successful in protecting full-time positions through percentage quotas. Thus, PTOs have been hired primarily through service expansion, and they have been lost as a result of service reductions. Second, PTL does cause a reduction in overtime pay categories. Third, days-off for FTOs have not been adversely affected by PTL. Transit management has consistently argued that PTOs are a quality of work life

issue ie., more humane work schedules. Some of the examples they cite are "if restrictions preventing PTOs from working on weekends were lifted, PTO could result in more weekends off for FTOs." All research indicates that there is loss to FTOs through the reduction in attractive pieces of work e.g., situations where an operator had a 6 hour straight run, but received 8 hours of pay.

HOW MUCH DOES IT COST TO WIN THE RIGHT TO USE PTOs?

What is the value of the bargaining concessions that management trades to labour in order to win PTL? Direct measurement is extremely difficult, e.g., was a 6.3% wage and benefit increase at a property that accompanied PTL out of line with what might otherwise have been expected? The problem is further complicated by the variety of possible items that can be bargained and the difficulty of evaluating the overall effect.

U.S. studies estimate that transit management traded a 6% increase in fringes and 3.7% increase in wages for the right to use PTOs. In other words, 10% was the minimum inducement for a quid pro quo ie., swapping money for PTO.



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OVERALL SUMMARY

Transit management trumpet that the part-time labour concept has worked: it does produce lower costs, the PTOs are reliable, and the negative effects on the full time operators do not appear to have been large. But the evidence is that the bargaining concessions made to obtain PTL have been as large as the PTL savings. The implication for management is that the cost of obtaining PTL has been very high.

It appears that properties that already have low pay/plat ratios, might not pursue a PTL strategy, but focus their attention to an absentee policy and spare board staffing, which would probably give larger savings with less danger of costly bargaining trade-offs.

The best way to forecast PTL savings is via a detailed experimental run cut for the specific transit property. This is something that transit management have proven to be very good at, but remains a under utilized costing approach by transit unions.

Clearly, the pressures for PTL have

not abated. And in fact, management wants to expand the PTL concept. Specifically, transit management will identify whether or not they have high pay/plat ratios, thereby increasing the likelihood of additional savings associated with raising the percentage of PTOs allowed. For many transit properties the search to obtain PTOs has been an elusive dance, which when exercised through collective bargaining has extolled a price, perhaps more expensive than the savings sought through PTOs.





HUMAN RESOURCE PLANNING AUDIT

CANADIAN RAILWAY OFFICE OF ARBITRATION and TTC/ATU 113 EXPEDITED BOARD OF ARBITRATION PROCESS



HUMAN RESOURCE PLANNING AUDIT

CANADIAN RAILWAY OFFICE OF ARBITRATION and TTC/ATU 113 EXPEDITED ARBITRATION

Labour relations practitioners, whether management or union, must ultimately be concerned with the bottom line. How many aspects of any corporate endeavour can be ignored when there is a real dollar cost increase of 100% or more, particularly if it is avoidable? If as our political leaders tell us we are headed into a new world of cost conscious global competition, as reflected in the Canada-U.S. Free Trade Agreement, and labour costs generally will be a significant factor in the viability of Canadian enterprise, the overall user cost of the grievance arbitration process in Canada should be examined with the same care that is reserved for any other expense.

There are, some striking examples of grievance arbitration systems in Canada which have successfully avoided the pitfalls of excessive formality, legalism with their resulting cost and delay. We should know about them and think about how we can draw on the lessons of these models to take some of the excess weight out of our own arbitration process.

The most frequently cited example, is the Canadian Railway Office of Arbitration, located in Montreal. Established in 1965, the CROA is the office of arbitration covering some 45,000 employees chiefly in the Railway and Trucking industries. Twelve employers, including CN, CP, VIA, Algoma Central and the Ontario Northland Railway participate along with seven major trade unions. The CROA hears arbitrations one week out

of each month at its office in the Sun Life Building in Montreal.

In a typical day 5 to 7 grievances will be heard. These are by no means limited to small claims. They run the full gamut from discipline and discharge through wage claims and contracting out. To put the process in perspective, you may recall the collision between a VIA passenger train and CN freight at Hinton, Alberta which caused more than twenty fatalities. The discharge grievance of the freight train's conductor was fully heard and argued at the CROA in two and a half hours.

To understand how that is possible or how CROA can hear and dispose of fifteen to twenty railway industry grievances over a three-day period, with written awards issued within two to three days, you need to know a little about the process. Firstly, the employers and unions in the railway industry decided years ago that the model of the full blown civil trial is not the best way to conduct arbitrations. They adopted a set of rules and procedures that are radically different.

Before a case is set down for hearing each party signs a joint statement outlining the facts giving rise to the dispute and the issue to be resolved. As simple as that may sound, we hesitate to think how many ad hoc arbitrations that have proceeded where the parties themselves were not sure of the precise nature of their dispute and the issues to be resolved. In the railways, if the parties can't agree on a joint statement

(which is very exceptional) the grieving party can file its own statement to trigger the hearing.

The central critical feature of the railway arbitration system is that each party is required to file, at the hearing, a written brief or case statement. These are provided to both the arbitrator and the other party, and the hearing is, in effect, the presentation of the parties' briefs. (Do not be put off by the term brief: these documents are not legalistic, and can fairly be described as a letter to the arbitrator from each party). The briefs contain the facts relied on by the party, its position and the arguments in support of its position, with references to the pertinent parts of the collective agreement. Exhibits such as time sheets, supervisor's reports, photographs and the like are appended to the brief under the numbered tabs, for easy reference. Witnesses are called only where, after examining the briefs, it is clear that there is a disagreement on a point of fact that is material to the resolution of the case. When they are called their evidence is closely confined to the facts in dispute. In most cases the parties do not call witnesses.

Critical to the efficient hearing of discipline cases is the pre-arbitration process of investigation conducted by the employer. Most collective agreements in the railway industry provide that no employee is to be disciplined until the employer holds a formal investigation of the circumstances, giving the employee the fullest opportunity to rebut the case against him or her.



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Written transcripts of the investigations are usually filed as part of the parties' brief. In this way much of the fact finding process is conducted between the parties themselves before they get before the Arbitrator. This permits enormous savings in time, as the time of the hearing can be more productively devoted to addressing the arbitrator to what the parties view as the most significant parts of the transcript. In effect the parties come to the arbitrator with much, if not all, of the evidence-taking process behind them, and with a sharpened awareness of the facts that will be put before the Arbitrator. This, of course, involves more work and preparation on the part of the parties than is generally the case in ad hoc arbitrations. However, the difference in time and money saved at the stage of the arbitration hearing can scarcely be understated.

It should be noted that the Railway Arbitration System is not a "second stream" or non-precendential form of decision making reserved for minor cases. All cases, big and small, go through the same process. Briefs are prepared, filed and presented in hearings that average between sixty and ninety minutes. The arbitrator's award, published to all CROA participants, is brief, usually two to four pages in length, and generally issued within the same week as the hearing. It is accepted as binding and precedential in the industry. Brief as it may be, the award generally provides sufficient reasoning to be of guidance to the parties in deal-

ing with like cases in the future.

A cost benefit comparison of the Railway Arbitration System compared to ad hoc arbitration reveals a telling story about the cost of ad hoc arbitration to its consumers. In fiscal 1987-88 the per grievance cost to the parties of each arbitration heard and disposed of at the Canadian Railway Office of Arbitration was \$1,295 per case, borne in equal shares by employer and union. This includes the arbitrator's fee and all costs of running the office, including the salary of its full-time secretary administrator. By comparison, an ad hoc case heard in the same period, based on an arbitrator's daily fee of \$1,700, the average requiring two days, inclusive of disbursements such as hearing room rentals, photocopying, travel and the like, represents an estimated cost to the parties of \$4,400.00, also shared equally. In other words, by this estimate, the average cost of the ad hoc hearing process as compared to the railway system is more than three times greater. The CROA processes about 150 grievances a year in the manner. A public sector employer once noted that their Ministry spent more on a single arbitration that stretched over many days of hearing than the entire budget for the 150 cases heard in a year by the Canadian Railway Office of Arbitration.

Why should arbitration outside the Railways be, on average, three times as costly? If efficiency and competitiveness are the watchwords of the day, few enterprises can lightly ignore a differ-

ence of that magnitude in the cost of any goods or services. It should also be noted that this cost differential does not take into account collateral expenses which are generally greater under the ad hoc system of arbitrations such as lawyer's fees for hearing time, (lawyers do appear at the CROA, but in no more than 1/3 of cases) or the cost to an employer of having employees and managers tied up in hearings.

There are several other examples of expedited arbitration designed to save time and expense. In the mining industry employers and unions have devised a system to expedite grievances that are "small claims", whether they involve minor discipline, wage claims, or minor disputes in the interpretation of their collective agreement. Those cases are separately streamed for a form of informal arbitration that is binding but not precedential. The cases, which can be ten to twenty in number, are presented to a single arbitrator orally by non-lawyers. The arbitrator then disposes of them by a brief ruling, sometimes verbal, sometimes written, with the briefest of reasons. This system is useful for processing backlogs of minor grievances which might never justify the time and expense of a full ad hoc hearing. A similar approach has been utilized for some time between Canada Post and CUPW, where a single arbitrator has been designated to hear and dispose of expedited, non-precendential claims at regularly scheduled arbitration sittings in Ottawa.

A different form of expedited arbi-



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tration is available under section 45 of the Ontario Labour Relations Act. Administered by the Office of Arbitration of the Ministry of Labour, it allows parties to any grievance to proceed unilaterally before a single arbitrator appointed by the Office, within a period of twenty-one days from the time of application to the Ministry. This avoids the delays related to choosing an arbitrator and setting a date, as this is done by the Office of Arbitration. The section 45 option provides a speedy hearing for grievances that can be heard in one day. If, however, an additional day or days are needed, the parties are once again at the mercy of the arbitrator's date book, as well as their own lawyers'. One advantage of this option is that before arbitration the parties have the services of a grievance settlement officer provided by the Ministry. As we understand it, settlement rates under this system have been impressive. An obvious disadvantage is that the parties can't choose their arbitrator.

TORONTO TRANSIT COMMISSION AND ATU LOCAL 113 EXPEDITED BOARD OF ARBITRATION PROCESS

The HRP consultants also reviewed another arbitration

model based on a 3 person board of arbitration. In fact, the Toronto Transit Commission and the Amalgamated Transit Union, Local 113 reformed their arbitration process several years ago in response to delays being experienced in constituting Boards of Arbitration to hear grievances between the parties.

Previously, the parties used an arbitration procedure which was quite common in most industrial and public sector grievance procedures, and contained in the collective agreement. It became the general experience of the parties that their arbitration system was failing on several counts, most importantly, the expeditious hearing of complaints. As a result, the parties negotiated a new arbitration model which resolved the concern relating to delay.

The parties, particularly the trade union, reflected on the reasons and advantages of using experienced three person boards for transit arbitrations:

1. The three person board is used more in new bargaining relationships where professional sidespersons can provide arbitration expertise which may not be available to management or new union locals. Ongoing experience with the grievance process usually results in both single arbitrators and boards being used.
2. Three person boards of arbitration provide an appearance of fairness as they do in other forums of law, including Human Rights, WCB, Rent Review, OLRB, Grievance Settlement

Board, Education Relations Commission, etc.

3. Union and employer nominees contribute to the decision of the arbitrator. Experienced nominees can provide assurance to counsel for both parties that the arguments presented will be fully considered. Since nominees make submissions after all the evidence has been heard, they have the advantage of presenting a more concise and precise viewpoint to the arbitrator.

4. Regardless of the decision rendered, nominees often offer suggestions as to the wording preferred by a party.

5. Sidespersons can often provide information to the arbitrator on the operation of the workplace and the implications of decisions.

6. Nominees often assist in expediting the awards.

7. Nominees can often play a pivotal role in obtaining satisfactory settlements between the parties without compromising the perceived objectivity of the arbitrator.

8. Professional nominees are able to choose the best arbitrators to fit the type of case being arbitrated.

9. Written addendum and dissents to awards often offer a different view of the award and can aid the parties in future relations.



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10. Nominees can provide assistance to counsel on the presentation of a case and offer feed-back during its progress.

The following is the language contained in the TTC/ATU Local 113 collective agreement. It sets out the procedure allowing the parties to process all grievances to hearing without the delay usually associated with ad hoc arbitration. In fact, the HRP consultants believe that this procedure can serve as an arbitration model in many other jurisdictions, and not limited to transit:

Step 4. Arbitration

1. The grieving party may submit the grievance to Arbitration at any time within 30 calendar days following the receipt of the reply at Step 3, or if no reply is received, within 30 calendar days following the expiration of the period limited for such reply, or, in the case of a Union or Commission grievance, within 30 calendar days of the expiration of the 30 calendar days' period referred to in the preceding paragraph.

2. No matter may be submitted to Arbitration which has not been properly carried through the grievance procedure provided that the parties may extend the time limits fixed in both the grievance and arbitration procedures.

Where no reply is given by a party within the time limits specified in the grievance procedure, the other party shall be entitled to submit the grievance to the next step of the grievance procedure, or to Arbitration as the case may be.

3. (1) Either party desiring to submit to Arbitration any matter arising from the interpretation, application, administration or alleged violation of the Agreement, including any question as to whether a matter is arbitrable as provided herein, shall give notice to the other party in writing of its desire to refer the grievance to Arbitration and at the same time shall inform the Chairperson Nominee who is then first on the list of Chairperson Nominees, which list is referred to in Paragraph 3(2)(a) hereof, and who therefore is entitled to act as Chairperson of the Arbitration Board pursuant to the terms of Paragraph 3(2)(b) hereof.

3. (2) (a) The Chairperson of the Board of Arbitration must be selected from a list of Chairperson Nominees, agreed to between the parties, which list will be subject to additions and/or deletions from time to time with the mutual consent of the parties hereto. The order of names on the list shall rotate as hereinafter provided.

(b) The Chairperson of the Board of Arbitration shall be the Chairperson Nominee, whose name is first on the list at the time the grievance is submitted to Arbitration, provided that the

said Chairperson Nominee must be able to provide the parties with a hearing date which is within 90 calendar days of the date for the referral of the grievance to Arbitration or such other date as is agreed to by the parties. If the Chairperson Nominee whose name is first on the list is not able to establish a hearing date which is within such 90 calendar days, and the selection process shall continue until a Chairperson Nominee is able to provide the parties with a hearing date which is within 90 calendar days is reached on the list. In the event that the list of Chairperson Nominees is exhausted without finding a Chairperson able to so provide a hearing date, the Chairperson Nominee whose name was first on the list at the time of the referral of the grievance to Arbitration will be selected as the Chairperson of the Board of Arbitration and the said Chairperson will be requested to schedule the earliest possible date for a hearing. Where any such Chairperson is unable or unwilling to act, selection of a Chairperson shall be made in order from the list.

(c) Each party shall at any time but not later than 15 calendar days following the establishment of the date of hearing by the Chairperson appoint its Nominee to the Board of Arbitration on the understanding that the date established by the Chairperson will not be altered except by agreement of the parties and the Chairperson. Either party may make substitution to their Nominee at any time.



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(d) Notwithstanding anything herein contained, where the grievance involves any matter other than a difference between the parties respecting discharge from, or other termination of, employment, upon the request of either party, made within 10 calendar days after delivery of the notice referred to in Paragraph 3(1) above, the requirement of a hearing date within 90 calendar days of the referral to Arbitration shall be waived, and the Chairperson who is on the list at the time of the initial referral will be asked to provide dates for Arbitration upon which the parties can agree.

(e) The name of a Chairperson Nominee will be placed at the bottom of the list when he or she either:
(i) becomes seized of a grievance, or
(ii) advises the parties in a case to which provisions requiring a hearing within 90 calendar days of the referral apply, that he or she is unable to provide a hearing date with such 90 calendar days.

4. The Board of Arbitration as selected and composed in accordance with this article shall hear and determine the grievance and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the

Board of Arbitration, but if there is no majority, the decision of the Chairperson governs.

5. The Board of Arbitration shall be required by the parties, in any grievance involving discharge or other termination of, employment, or discipline, to render a decision within 30 calendar days following the hearing, with or without written reasons, and in the absence of written reasons, the Arbitration Board shall give written reason for its decision within 60 calendar days following the rendering of the decision. If any Board of Arbitration shall fail to render its decision, or give reasons as the case may be, within the time periods set out in this Paragraph, upon the request of either party, the name of the Chairperson of such Board shall be deleted from the list of Chairpersons contained in Subparagraph 3(2)(d) hereof.

6. The Board of Arbitration shall not be entitled to make any decision inconsistent with the provisions of this Agreement, nor to alter, modify, add to or amend any part of the Agreement.

7. The parties shall each pay one half of the remuneration and expenses of the Chairperson of the Board of Arbitration while each party shall be

responsible for the remuneration and expense of its appointee to the Board.

8. It is the mutual desire of the union and the Commission that every possible attempt be made to resolve complaints or grievances without resort to Arbitration, and to this end each party agrees to meet at the request of the other party at all reasonable times in an attempt to resolve such complaint and grievance, and nothing herein contained shall preclude the parties from meeting and discussing the complaint or grievance at any stage thereof, either before or after the matter has been submitted to Arbitration. At any such meeting each of the parties may attend with such representative or representatives as each shall respectively choose.

9. In the alternative to the foregoing, the parties may, in writing, agree that the matter may be arbitrated by a sole Arbitrator selected by the parties or, in default of mutual selection, to be selected by the Minister of Labour for the Province of Ontario. Where a sole Arbitrator is selected or appointed as aforesaid, the Arbitrator shall have the same powers as a Board of Arbitration under this Agreement, and the Arbitrator's compensation and legitimate expenses shall be divided equally between the parties.



HUMAN RESOURCE PLANNING AUDIT

VARIOUS SCHEDULING PROGRAMS IN ONTARIO TRANSIT

(10 hour shift/4 day work week)



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ALTERNATIVE TO THE FIVE DAY WORK WEEK/ 8 HOUR SHIFT

WORK WEEK TASK FORCE, METROPOLITAN AUTHORITY, N.S.

The HRP consultants have reviewed various scheduling approaches and found that there is a fairly uniform and consistent acceptance of the 7.5 - 8 hour day in the Ontario Public Transit Industry. Though consultations with unions and management, there is still some willingness to experiment with different scheduling approaches both on the basis of productivity, as well as quality of work life. And in fact, this issue is considered by management and labour as a continual source of friction between the parties. This will be reviewed in the HRP study section of labour relations in Ontario Transit.

There have been very few well documented instances of implementing a 10 hour work day. Though there was a fairly well organized effort by the Metropolitan Authority in Nova Scotia, with input from interested Ontario transit properties. For the purposes of our review, we have summarized the efforts and findings of the joint Task Force on Hours of Work.

PURPOSE

The report summarizes a labour-management study of the feasibility

of Ten Hour shifts and issues relating to spread time not exceeding eleven and a half hours (11.5). The Operator Work Shift Review Task Force was established as a result of a Memorandum of Agreement dated April 23, 1990. This report recommends a limited introduction of 10 hour shifts in the November 1990.

TASK FORCE MEMBERS INCLUDED

Chairmen:

Brian Smith, Director of Planning
Robin West, Secretary Treasurer,
ATU, Local 508

Study Team:

Roel Vis, Schedule Planner
Robin West, Secretary Treasurer,
ATU, Local 508

Members:

Walter Jones, Superintendent of
Operations
Dave Palmetter, Member,
ATU, Local 508
Jim Baker, Vice President,
ATU, Local 508

HISTORY

The settlement between the Metropolitan Authority and the Amalgamated Transit Union, Local

508, dated April 23, 1990, included a Memorandum of Agreement to establish an Operator Work Shift Review Task Force, with equal representation from both sides, to study the feasibility of improving working conditions through changes in shift patterns.

Representatives of the Amalgamated Transit Union have expressed a desire to jointly investigate alternative shift designs such as the introduction of ten 10 Hour/Four Day work weeks, the reduction in the number of pieces within split shifts, or



Mississauga Transit, Operator lounge very clean and well equipped.

reduction in the spread time of split shifts. In particular, ATU representatives have suggested that shift spread time not exceed eleven and one half (11.5) hours per day for 8 paid hours.

Service reductions and related changes over the past years have caused major changes in the characteristics of shifts, thereby increasing the need to examine alternatives. As the same time, financial constraints caused by falling or stable ridership and restricted



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provincial and municipal funding have limited Management's ability to introduce shift changes that would improve working conditions though increasing costs.

The Operator Work Shift Review Task Force provided both Management and Union representatives an opportunity to objectively review the potential costs and benefits of changes in work patterns. Their work was guided by an understanding that, if improvements in the quality of shifts were to be implemented, they should be achieved without added cost to the Authority, or offset through cost reductions in other areas.

DISCUSSION

The May 1990 board period was selected to be the basis of all alternative work patterns in order to establish a comparison between the Operators present working conditions, and any others which may be proposed. The shift, extra, paid time and cost characteristics of the May board period are shown in the left hand columns of Appendix 2 (attached).

Eleven and one half hour spread

The Study team submitted to the Task Force members an eleven and one half hour maximum spread shift proposal, including statistical data.

The Task Force members compared

the May board period to the submitted eleven and one half (11.5) hour spread shift proposal and concluded that the decrease of straights, two piece shifts, increase of three piece shifts, and the increased cost of \$561.19 per weekday (or \$140,000 per year) was unacceptable. In the example, 1 piece shifts would decline by 9, two piece shifts by 10 and 3 piece shifts would increase by 9. Although it might be possible to reduce these disadvantages through scheduling changes or other "offsets", the Task Force decided it would be more useful to concentrate on the four Day Work Week Issue in the time available to the Study Team.

Ten Hour Shifts

The Task Force was then instructed to concentrate on Ten Hour shifts with a maximum of twelve (12) hour spread. This spread limit is the same as in the existing ATU, Local 508 contract.

They contacted other Transit properties, Management and Union officials, who were involved with Ten Hour shifts, Four Day work week. Smaller transit properties, including Guelph, Woodstock, Chalk River and

Brampton, have been using Four Day Weeks with success. Toronto has been studying the concept and there are strong indications from transportation officials within Local 113 to establish a 10 hour 4 day week on a limited basis. These Ontario properties confirmed that the concept of the four day work week is feasible, although the application must carefully reflect local conditions.

As a starting point for discussions, the Study team submitted to the Task Force members a runcut with the maximum possible Ten Hour shifts (regardless of days off requirements). This translated into the shift statistics shown in the chart above.

An observation of a Four Day work week is that it takes seven (7) Operators to work four (4) Ten Hour shifts, or a multiple thereof, from Sunday to Saturday. The Task Force was instructed to concentrate on twenty-eight (28) Ten Hour shifts for all day types, thus providing three consecutive days off for this segment of the work force (49 Operators).

In order to follow through with the instructions, all weekday type maxi-

| | Maximum Ten Hour | Residue Eight Hour | Extras |
|----------|---------------------|-----------------------|--------|
| Weekday | 99 | 15 | 90 |
| Saturday | 58 | 27 | 0 |
| Sunday | 29 | 21 | 0 |



HUMAN RESOURCE PLANNING AUDIT

ALTERNATIVE TO THE FIVE DAY WORK WEEK/ 8 HOUR SHIFT

| A) SHIFT DETAIL | EXISTING MAY 1990 | PROPOSED SHIFTS | | |
|-----------------|----------------------|-----------------|-------|-------|
| | | TOTAL | 8's | 10's |
| Weekday | 169 | 166 | = 138 | + 128 |
| Extra AM | 26 | 21 | | |
| Extra PM | 26 | 20 | | |
| Saturday | 102 | 91 | = 63 | + 28 |
| Sunday | 52 | 50 | = 22 | + 28 |

mums had to be reduced to twenty-eight (28) Ten Hour shifts. Although future evolution of the four day week concept could involve non-consecutive days off, it was agreed to use the 28 shift limit, and learn from this before trying to increase 4 Day Work Week opportunities.

The Study team submitted to the Task Force members a proposed run cut, which consisted of a combination of Eight Hour and Ten Hour shifts, including statistical data. This translated into the following results:

A) SHIFT DETAIL (see chart above)

B) Appendix 2 compares the time and cost characteristics of the Base (May) run cut and the Proposed 8/10's. Note that there is a cost reduction of approximately 1% for each service day type. The annual cost of saving is calculated to be in excess of \$75,000., or within 1% of existing service costs.

C) STAFFING REQUIREMENTS

The staffing requirements for the May

Board Period (School Closed) are 221 Operators, according to existing allowances for the run cut, day's off and relief. Based on the same criteria, the Ten Hour Shift Proposal requires 219 Operators. Note that initially there should be little impact on the existing total employee complement.

D) DAYS-OFF COMPARISON

The table below summarizes the Days-off under the existing and proposed work hour patterns. Note that there are more weekends off under the proposed 8/10's.

In discussion of the 8/10 Proposal, concern was expressed by the Task Force members in respect number of Spareboard Operators off on Saturdays

(1 versus 6) and the coverage of the Open Shifts on Saturdays (24 versus 30). These are shown in detail on Exhibits 2 and 3. The Study team explained that, on a pro rata basis, the coverage for sicknesses, vacations, etc. by Spareboard person is equal between the May 1990 board period and the 8/10's Proposal. This is confirmed on the Coverage Ratio line of the Exhibits. For example, the May 90 Saturday Coverage Ratio is 38 Spareboard to 102 shifts (78 regular, 24 Extras), or 0.37. The Proposed 8/10's Ratio is also 0.37 (34/91).

CONCLUSIONS

On the eleven and one half (11.5) hour maximum spread

1. If an agreement were reached to decrease the present Maximum Spread of twelve (12) hours by one half hour, the quality of shifts would deteriorate and the cost would increase to unacceptable levels. The Task Force decided not to proceed at

| DAYS-OFF | EXISTING MAY 1990 | PROPOSED COMBINED 8/10's |
|-------------------|----------------------|-----------------------------|
| Saturday-Sunday | 117 | 130 |
| Sunday-Monday | 26 | 25 |
| Tuesday-Wednesday | 26 | 25 |
| Thursday-Friday | 26 | 25 |



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Peterborough Transit, small rest room, but loaded with creature comforts.

this time with further work on the eleven and one half (11.5) hour spread, but to concentrate on the feasibility on Ten Hour shifts instead.

On the Four Day Work Week

1. The introduction of an Eight/Ten Hour Shift Pattern can be achieved, within existing cost and staffing levels, for 49 Operators. This will provide a maximum of twenty-eight (28) shifts from Sunday to Saturday with three consecutive days-off for those choosing a Four Day Work week.
2. In order to have the normal work week of forty (40) hours, the Operators who wish to select Ten Hour shifts, in the board period, must do so for four (4) days per week. The Operators, who wish to select

Eight Hour shifts, must do so for five (5) days per week.

3. Due to the additional 10 hour shifts required for Saturdays, the classification of a Ten Hour shift for Saturdays is to have a platform time of nine (9) hours and one (1) minute or greater.
4. In order to introduce the concept of Eight and Ten Hour shifts, the Task force calculation of Days-off should be followed as outlined in Exhibit #3.
5. A Letter of Understanding should be accepted by both parties to override applicable clauses within the present Collective Agreement.
6. In order to exceed the restriction of Sunday's maximum of twenty-eight (28) shifts, an increase of platform hours must transpire or the issue of non-consecutive days-off be explored.
7. The Work Hour Task Force should be re-activated on at least a semi-annual basis to review the progress of the Ten Hour shift introduction and related issues.
8. The Task Force believes that both Management and Labour would benefit from early acceptance of the 8/10 Proposal, and this is feasible as soon as the November board period change. Although there will be prob-

lems to be addressed by both parties, the experience of the Task Force to date suggest these can best be addressed through a trial period as outlined in Appendix 1.

RECOMMENDATION

It was recommended that Management and Union representatives agree to implement the procedures and conclusions within this report, pertaining to the concept of the Ten Hour shifts, for a trial period of three board periods, starting with the November board period.



HSR, employees at HSR can use in-house fitness facilities, although logical, they are visibly absent at most transit properties.



HUMAN RESOURCE PLANNING AUDIT

ALTERNATIVE TO THE FIVE DAY WORK WEEK/ 8 HOUR SHIFT

APPENDIX

1

LETTER OF UNDERSTANDING

This letter is for the purpose of having the Metropolitan Authority introduce the "Four Day Work Week" concept commencing with the November board period.

It is understood, by the parties, that this concept is being introduced on a trial basis and may be cancelled by either party, with a minimum of two months notice, prior to the posting of a board period. After three successful sign-up periods, the ten (10) hour, Four Day Week will remain in effect for the duration of this Collective Agreement.

Rules governing the picking of ten

(10) hour shifts and the payment for said work will be as follows:

1. The normal hours per week worked will remain at forty (40) hours. In the picking order a combination of eight (8) and ten (10) hour shifts is not allowed. Holiday shifts are exempted.
2. Overtime rate as per clause 26.01 (c), Part III, Article 26.
3. Vacation, Sickness, Bereavement and Call-out procedures pertaining to Four Day Work Week, within the Common Articles of the Collective Agreement are to be applicable for

the Four Day Work Week in the Operations Department.

4. It is understood that there are twenty-eight (28) ten (10) hour shifts for Sunday to Friday, and a minimum of twenty eight (28) for Saturday, unless mutually agreed upon.
5. Any issues or disputes which arise in respect to the ten (10) hour shifts, not addressed above, shall be resolved by mutual agreement between the parties, through the Operator Work Shift Review Task Force.

BRAMPTON TRANSIT 10 HOUR SHIFTS

The introduction of the 10 hour work-days did not take place until September 1989 when major schedule changes were implemented. At that time, a total of 15 crews were introduced; 5 straight AM crews; 5 straight PM crews; and 5 split AM crews. Presently, this number has been reduced to 10 straight crews, dropping the 5 split crews.

All 10 hour crews are required to have weekends off with the third day to alternate between the crews. This alternating day allows 2 of 5 crews to have a 3 day weekend.

Rules governing the 10 hour work-days allow an operator to work in

excess of 5 hours, but not more than 6 hours, before a break must be given. Conventional payroll rules no longer apply to these runs as overtime is paid after 10 hours and spread premium is paid after 12 hours.

With respect to whether a study was performed prior to the implementation of these crews; the answer is no. However, during the period of time in which these crews were in effect, the parties made the following observations:

1. Senior operators originally signed for these crews, however, as time went on the senior operators went back to their 5 day work week with weekends off. When asked why, a majori-

ty of these operators stated that it made for a long day and that they did not wish to work overtime after putting in a 10 hour shift, reducing their additional income.

2. Operators who are employed by Brampton Transit and commute from out of town enjoy these crews because it increases their home time and they spend one less day a week commuting.
3. From a scheduling standpoint, problem blocks (between 5 and 6 hours) can be cut entirely and used for these crews.
4. When an operator books off for any reason, dispatch cannot force another



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er individual to work this run in its entirety, as the run is technically in violation of labour laws. Therefore, the run is split in half and assigned to two operators, which increases paid travel costs.

5. A majority of the senior transit operators that would never consider signing for one of these crews complain that the weekends should be removed from the 10 hour crews and assigned to 8 hour crews.

6. Brampton Transit often has open crews at the end of a Sign-up period. None of these have been 10 hour crews, however, if this were to occur, problems and costs as described in item 4 would escalate.

GUELPH TRANSPORTATION COMMISSION

Guelph Transit operates 18 hours per day, six days a week on a 30 minute headway, with the first buses out at 6:00 a.m.

| | | |
|-------------------|---|------|
| A.M. shift | 6:00 a.m.-6:15 a.m. travel to starting points | :15 |
| | 6:15 a.m.-2:15 p.m. operating 30 minute headway | 8:00 |
| | 2:15 p.m.-2:30 p.m. sign out and buying tickets | :15 |
| | | 8:30 |

This is paid at straight time (they do not pay premium on sign-in or sign-out time). Each operator works 5 days and has one day plus Sunday off each week, days off rotate one day each week. Monday, Tuesday, Wednesday etc.

| | | |
|-------------------|--|-------|
| P.M. shift | 2:00 p.m.-2:15 p.m. report and buy tickets | :15 |
| | 2:15 p.m.-11:45 p.m. operate 30 minute headway | 9:30 |
| | 11:45 p.m.-12:00 return to garage and fuel up | :15 |
| | | 10:00 |

Each operator works four days and has two days, plus Sunday off. Days off rotate, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday. The shifts also rotate 1 week a.m. next week p.m. Guelph also has 10 runs that rotate shifts and two runs that operate straight 10 hour shifts. The straight 10 hour shifts are popular with some drivers, as they have 5 days off every 4th week. The system has been in operation for the past 18 years.

CITY OF WOODSTOCK

The existing schedule was implemented August, 1974. The routes have changed, but the schedule has remained unaltered. The schedule forms a part of the collective agreement and was drafted by Operators.

The schedule operates on a 3 week

rotation consisting of:

- 3 - 10 1/4 hour days and
- 1 - 9 1/4 day

No study was undertaken prior to the 10 hour shifts, but evolved from route expansion and a work schedule drafted by management which in the Opera-

tors opinion was unsuitable, resulting in the Operators proposing a 10 hour day rotational schedule which was ultimately accepted by the City. In the absence of complaints or requests for changes to the schedule, it is assumed the employees like the schedule.



HUMAN RESOURCE PLANNING AUDIT

VARIOUS SCHEDULING PROGRAMS IN ONTARIO TRANSIT

(Scheduling process in transit)



HUMAN RESOURCE PLANNING AUDIT

THE SCHEDULING PROCESS IN TRANSIT

THE SCHEDULING PROCESS

SERVICE POLICY

Most transit agencies have a service policy, either written or informal, which sets out the standards for total on-board ridership and maximum headways during different time periods and span of service. There are usually other standards which apply to route design, such as route spacing and whether large end-of-line loops are allowed.

Policy on smaller properties may be set by the available budget, which typically dictates no better than 30 or 60 minute service.

On larger properties, the service policy usually covers on board ridership standards by time of day and maximum headways for periods when demand is light (sometimes known as Policy or Headways). On board ridership standards tell the scheduler how many passengers can be carried at the maximum point on each trip and may also state how long standing passengers may be required to stand.

An example of a typical standard would be to allow passengers on board up to 150 percent of capacity during peak hours in the peak direction. In addition, the standard might specify that passengers should not be required to stand longer than 10-15 minutes before a seat becomes available. This standard represents the figure around which the scheduler would tailor the service.

TRAFFIC CHECKS

Traffic checks on existing routes are generally of two types, point checks and riding checks. Each type of check has its advantages. Where personnel are available in sufficient numbers, riding checks are preferable since they show on and off activity at every stop and yield running time information. Most properties do point checks out of necessity, due to a lack of sufficient staff to monitor traffic checks.

SUMMARIZING CHECKS

If the route being checked is stable, only minor ridership changes over long periods of time, one periodic check may suffice for updating schedules. Otherwise, several checks on "average" days need to be compared and averaged. Schedule adjustments would then be based on averaged passenger on board data. Running time adjustments are particularly sensitive to the driving habits of various operators on the route and need averaging.

The best schedules can only reflect average traffic, boardings and other conditions and are based on average running times. Since average days usually do not exist, the greater the number of checks that can be summarized, the "more average" and, therefore, better the information on which the schedule is based.

MAXIMUM PASSENGERS-ON-BOARD (Max Point)

This is the point on each route where ridership is the highest on most

trips. On simple radial routes operating from the downtown area to some point at the edge of the city, this is usually at the edge of the downtown area, where everyone has boarded, but no one has yet alighted. On crosstown routes where there is continuous on and off activity, the max point may be harder to spot. Ride checks are required to precisely determine the max point.



Peterborough Transit, transit control at downtown terminal. Hub of the radial grid.

In conducting point checks, the checker is stationed at this point and records the number of passengers on board as the bus passes. The time the trip passes is also recorded, since early or late operation has a significant effect on the number of riders on board. In summarizing checks, schedulers will often adjust max point numbers to offset the effect of early or late operation.

METHODS OF ADJUSTING SERVICE

Some schedulers prefer to analyze maximum on board information for specific time periods by averaging these



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figures over several trips during that period. The length of the period varies by time of day, by the number of trips in the time period and by the practice of the particular transit property. If the average number on board during the period is lighter than the allowable standard, an extra trip is scheduled into the period by reducing the headway of all trips in the period. If the on board number drops below standard, a trip is taken out and the other trips are spread, widening the headway.

Another method of analysis is to calculate the passengers per minute rate for different time periods. This is a measurement of how quickly passengers are accumulating at bus stops along the route and is calculated by taking the elapsed time since the last trip and dividing that figure into the number on board the current trip. The resulting number can be divided into the desired maximum on board figure to yield the headway needed to maintain that figure or conversely, can be multiplied by various headways to find the resulting maximum on board figures.

RUNNING TIME

As a minimum, every route has at least one running time for each direction. Major routes with close headways and ever changing traffic conditions can have as many as 10 to 15 separate running times for each direction of a schedule. A thorough analysis of ride checks is necessary to determine how many separate "classes" of "breaks" are necessary. In smaller communities usu-

ally just a peak and an off peak running time will suffice.

How often running times need adjustment depends on the community. The addition or upgrading of thoroughfares, new signalized intersections or old intersections with additional signal phasing, introduction of transit centres, bus lanes, or additional bus stops can all impact the adequacy of existing running times. The true test of the need for revised running time is the inability of the majority of operators on a route to keep on time.

DATA REQUIRED FOR NEW ROUTES

Once the exact routing (including end of line layover points) has been determined, running time is developed, preferably by driving the route with a bus and simulating stops. A car is not an acceptable substitute. An alternative is to calculate running times using average speed for each route segment between time points. A workable rule of thumb is that the average speed is about half the posted speed on the streets traversed for the majority of the distance of each segment.

When the roundtrip running time has been calculated, headways and the required number of buses can be determined. The headway will invariably be a policy one initially, but the number of buses required may dictate an adjustment to the headway in order to tie back to a budgeted hour and cost figure.

SERVICE PLANNING CONSIDERATIONS

Service planning starts with a thorough

knowledge of the total travel patterns of the community. Planners must collect a vast array of information, such as the locations of schools and major employers and other traffic generators, population densities of various parts of town and knowledge of urban development and street improvement plans. Because they are often the ones responsible for conducting public meetings, planners also become effective channels for relaying public comment about existing service and requests for new or revised service.

Planners should also be totally familiar with existing route networks and ridership patterns along that network. A change in the pattern of service on one route will often affect ridership on adjacent routes. Route design considerations may be dictated by the topography or the density of the service area, but it may also be determined by planner preference. For example, the use of large, one way loops at the ends of bus routes versus splitting the route into two branches is often a decision made by the planner in charge.

Work done by service planners will frequently impact the scheduler's task of providing the most efficient service on a route. Therefore, a good working relationship between planners and schedulers is vital. An example seen quite often is a new route with two outer branches of unequal length. Since wide headways are usually involved, the result is excessive layover on the shorter branch while buses on the other branch run out and back with



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no recovery. On those properties which establish short turn or turnback locations midway in the route, the scheduler must be part of the input process. The roundtrip cycle time at the location is crucial to schedule integrity as well as to the scheduler's ability to balance the maximum number of on board passenger between short turn and through trips.

Service planning may also get involved with helping to analyze pairings of routes to form through routing between points on either side of downtown, or they may also recommend the breaking up of pairs which no longer work because of dissimilar ridership levels or operational problems.

Other policy issues affecting both planners and schedulers include express

service on local routes, timed transfer schemes at transit centres or other focal points, the location of the transit centres themselves, radial service versus circulator service, the size of transit vehicles to be used on various routes, bus stop spacing policy and the provision of wheelchair accessible trip on regular route services.



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MAIN TRANSIT SOFTWARE PRODUCTS

The HRP consultants reviewed a selected cross section of transit properties with respect to current scheduling products currently used. Through discussions with transportation staff scheduling personnel, it was determined that four main product processes were the predominate approaches to scheduling and runcutting systems.

The following software products were indicated by transit personnel as being the industry tools for scheduling and runcutting i.e.,

1. *TRAPEZE* - UMA Engineering Ltd.
2. *TELERIDE SAGE* - Teleride Sage Ltd. (*TeleTransit, TeleFleet, TeleDispatch, TeleDriver, TeleSurvey, User Customization Facility, EasyCutter, OptiMiser, G/Sched Plus*)
3. *GIRO Product* - Giro Enterprises Inc.
4. *Manual Scheduling*.
(no product support)

The purpose of this aspect of the HRP study is through research:

1. To raise the level of awareness of current and popular scheduling products among the various public transit unions.
2. To explain to transit unions, the impact of software and computerized

systems on a transit property and how it effects their members.

TELERIDE SAGE

Before we examine the family of computer services offered to the transit industry by *TELERIDE SAGE*, we will briefly overview what the software accomplishes in each of the three main functional areas in which it is used:

Scheduling

Scheduling software does not replace schedulers. A scheduler is still needed to evaluate and compare the various results produced by the software. The software allows the scheduler to create solutions much more quickly, thereby giving him/her more time to compare alternative solutions, then select the best and fine-tune it to meet the unique conditions of the transit property.

Operations

The main benefits of *TeleDRIVER*, *TeleFLEET* and *TeleDISPATCH* are: 1) a common, shared database of information and 2) the elimination of errors and inefficiencies associated with paper work. As changes are made into the database, they are automatically reflected in all other areas of the system. For example: In a manual operation, the dispatcher needs to check the spare-

board book, the available part-timers book, the absences sheet and the vacation/holddown book to determine who his available drivers are. He would then have to determine who was able to do which runs and in what order these drivers should be assigned. With *TeleDRIVER*, the press of one button will give a list of all available drivers for a given run, and list the drivers in the order they should be assigned, based on the collective agreement and union approved rules and regulations.

Public Information

TELERIDE SAGE has 4 systems to improve public information. Two of these systems, *TelePOSTER* and *TeleVIEWER*, are external to the transit property and would not effect union members at all.

TeleCENTRE is a tool used by information operators. Again, its purpose is to centralize information and eliminate messages being sent by paper and black-boards, which are prone to errors and inefficiencies. *TeleCENTRE* makes the job easier for the operator and insures that a consistent message is being given to the public.

TeleRIDER is an automated telephone information system that provides bus arrival times for specific bus stops. This system does not replace information operators. Instead, it helps to handle routine calls at peak times, leaving the operators to handle more complicated questions and route planning. The *TeleRIDER* system has been proven to demonstrate increases in off-





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peak ridership, which improves job security by ensuring that current service levels are maintained or increased.

TeleDISPATCH

This is a software that manages voice and data communications between transit control and the vehicle fleet, and captures incident information on a central database.

Typically, TeleDISPATCH is used as a tool to improve transit operations by improving the efficiency and accuracy of dispatchers and drivers.

TeleDISPATCH helps management by improving schedules and reducing costs at the same time. In addition, the program also reduces driver costs and facilitates better operations management.

TeleDISPATCH also gives operators and transit control the tools to:

- ☐ provide reliable service
- ☐ ensure safety of the driver and passengers
- ☐ manage the daily problems
- ☐ inform management about the quality of service
- ☐ provide schedulers/planners with service analysis statistics

Another feature is that TeleDISPATCH integrates with other TELERIDE SAGE products and interfaces with existing computer systems.

Some of the positive benefits that management identify are

1. immediate information on each vehicle

related to schedules, vehicle status and assignment, route information, etc.

2. Real-time data for dispatchers.
3. Better fleet control with implied improvements in planning, operator performance, bus utilization, en route management, schedule adherence and vehicle assignment.

TeleDRIVER

TeleDRIVER is a operations system which provides up-to-the-minute information to manage operators effectively.

TeleDRIVER is a tool which helps operations management, including dispatchers, supervisors and management, keep accurate, up-to-the-minute records on drivers and work assignments. This includes last minute revisions due to lateness, sickness and other absences.

The program allows management to cut payroll preparation time and costs. As well, it also helps to eliminate payroll errors and inefficiencies in assignment and dispatch, and to monitor and control discipline issues such as absenteeism.

Some of the common applications include

Personnel information - and provides on-line enquiry and update facilities, as well as reports including licence expiry, seniority, holidays, accrual and driver list.

Master schedule - can accommodate minor service changes. Reports able to be produced include: pullout list, duty list, roster list.

TeleDRIVER allows for on-line entry of each operator's bid during the sign-up process, and prints before signing the reports that must be posted. It also



Peterborough Transit, service bay where vehicles are fueled, inspected, and fleet condition recorded daily for each bus.

supports both rostering (weekly run) and "cafeteria style" formats; and the entry of vacation weeks picked and vacation relief bids.

Daily run assignment - using the schedule and roster information and applying information on absences, the program automatically generates daily assignment. Garage operations personnel can then assign daily spares or overtime, maintain daily runs, split runs, assign vehicles, monitor the checkout, and add unscheduled runs.

Driver timekeeping - Daily timekeeping is calculated using run assignments, run exceptions and holiday and sickness information. TeleDRIVER accu-



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mulates daily records over the pay period, then summarizes and transfers the data to the external payroll system. Reports include daily/weekly timekeeping, overtime list, daily exceptions and unscheduled pay.

Attendance control - The program provides tools to analyze and report on a number of driver performance measurements, including absence, disciplinary actions, accidents, and grievances. Reports include unavailable drivers, driver performance record, absence incident list, discipline list and accident list.

Transit management benefit from TeleDRIVER in the following ways:

1. *Garage personnel with little or no computer experience can quickly use the program.*
2. *System manager can define information access rights of each user on a "need-to-know" basis.*

EasyCUTTER

This program is a completely automated runcutter. Traditionally, a great deal of valuable time has been spent doing runcuts. As a result, other scheduling activities have tended to be neglected. EasyCUTTER, allows schedulers to have more time available for other scheduling activities.

Some of the strengths of the program are:

1. *Easy to learn and use. New users are able to produce streetable runcuts with-*

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in a few minutes of installation.

2. *Because the runcuts are automated, it allows the scheduler to consider more alternatives and try "what if" scenarios.*
3. *Runcut results are similar to those produce manually, but done in a fraction of the time.*
4. *Will produce a runcut solution that will conform to the collective agreement.*

OptiMISER

The program enables schedulers to perform more effectively. Its a tool that produces complete, optimal runcuts faster than any previous software package. The program produces runcuts that achieve significant cost savings.

Improved Service - speed improvements allow schedulers to produce new schedules quickly in response to service needs.

Improved Effectiveness - unlimited flexibility to conduct "what-if" analyses. As well, the program is designed to quantify the effects of union rules or regulations before collective bargaining and other planning exercises.

Some of the basic advantages are the ability to achieve significant cost savings within the constraints of work rule and procedures.

As well, it liberates schedulers and improves their productivity to perform studies on current work practices and "what if" scenarios.

Provides a solution that eliminates illegal runs and left over pieces of work.

G/SCHED PLUS

The program is a graphical scheduler which produces efficient schedules in a timely manner to meet changing service needs.

G/SCHED Plus is a tool for schedulers and planners enabling complex schedules to be developed in minutes

The program also uses extensive use of colour, menus, graphics and on-line help. It also provides a single integrated database for scheduling, runcutting and rostering and optimized blocking and rostering.

Also, the program can produce customized reports for analysis.

TELEFLEET (Vehicle Management)

TeleFleet is used by transit operations to increase shop floor productivity and attempts to maximize the number of vehicles in operation.

Additionally, the program also assists maintenance and materials management and keeps the maintenance operation and associated costs in check through a preventative and proactive approach to vehicle upkeep, versus a reactive one.



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Basically, the program keeps account of a vehicle's history, time spent by maintenance staff on repairs, as well as work order information to keep control over costs and schedules.

Ideally, the program should benefit the transit property by reducing down time, maintenance cost and increase maintenance and purchasing efficiency.

Some of the main benefits are:

1. Ability to plan effective on-line maintenance programs and prevent breakdowns.
2. Provides a preventative maintenance tool to identify work to be done before problems occur.
3. Allows management to control maintenance costs.
4. A management tool to control mechanics' time spent on each task.
5. Will assist in the monitoring of turnover and information expenses.
6. Tracks stock orders and requests.
7. Allow inventory levels to match requirements; no more stockouts or overstocking.

UMA's TRAPEZE

Trapeze is a very popular scheduling and runcutting product which has been installed in numerous transit properties throughout North America and Ontario.

All UMA projects are awarded through the competitive RFP (request for proposal) process, and typically require the provision of software and

services to implement the system to a 'fully operational' state. This usually entails implementing the system, loading the existing data, training users, customizing transit property specific requirements (e.g. operator union rules, reports and interfaces), and testing the system. In implementing the system to a operational state, UMA use the transit properties schedule, runcut and roster data and work with the transit property to ensure that runcuts that are developed meet the provisions set out in the collective agreement and are efficient.

UMA also provide specialized training that will permit a transit property to change operator work rules and to experiment with situations that optimize efficiency and flexibility through the use of "what if" situations. One of the advertised features that transit management like is the capability to change driver work rules and develop shifts.

Trapeze is a micro-computer based scheduling system designed specifically for transit properties. It permits route definition, trip and vehicle scheduling, driver assignment, weekly rostering and data management. In particular, you can draw maps, define transit routes, generate timetables, assign vehicles, allocate garages, create the driver runs and weekly rosters, and interface the schedule data directly to off-the-shelf software applications.

Furthermore, Trapeze has a complete catalogue of standard and customized reports and interfaces available to all users. This is in addition to the

statistical information (e.g. Time and Mile by Line(s), Time and Mile by Block(s), Detailed Runcut Summary) incorporated into a number of scheduling screens.

To make Trapeze user friendly, all user screens are presented in colour and use standard micro techniques (e.g.



HSR, transit properties shedding their over the road operations may regret these decisions especially as they grapple with implementing a "family of services" orientation.

Menus, Windows). User help is provided at the document level, the menu level, the command level, and the data level.

Additionally, Trapeze allows for multiple databases (e.g. Planning, Production, Test) and enables you to access any database, and copy data between them, without leaving the application. For example, you can add/delete/change the driver run types (e.g. Straights, Splits), or perform any costing change (collective agreements) from within the application. The feature has become an important feature during labour negotiations.



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To ensure timely transfer connections, more than one schedule may be viewed simultaneously on the screen. The data itself can be viewed in two formats - graphical and text (tabular). You can switch between both screen displays. The usefulness of the graphical displays, particularly for larger scheduling databases, may be seen in the trip generation, vehicle assignment, and operator assignment. Here, elements of the schedule (not immediately obvious from tabular screens) point out such things as - headway problems (trip-ping), near misses (hooking), and unbalanced peak vehicles (runcutting). The scheduling data may even be selectively interfaced directly to Spreadsheet software (e.g. Lotus 123, Excel), Desk Top Publishing packages (e.g. Ventura, Pagemaker) and Word Processors (e.g. Word Perfect). These capabilities permit not only an immediate analysis of the schedule data (graphs, pie charts, reports, etc.) but also enable the scheduler to create output immediately.

PROGRAM CAPABILITIES

Route definition

- ☐ Display of transit maps
- ☐ Unlimited timepoints and relief points
- ☐ Unlimited stops
- ☐ Graphical/tabular time-transfer displays
- ☐ Unlimited patterns
- ☐ Unlimited running times
- ☐ Multiple services

- ☐ Running times in minutes, half-minutes and seconds

Trip Building

- ☐ Unlimited trips
- ☐ Add/change/delete trips
- ☐ Build trips with a constant headway
- ☐ Display headway/running times
- ☐ Display trips in minutes/seconds
- ☐ Identify day exception and run exception trips
- ☐ Flag pattern/runtime violation
- ☐ Trip generation
- ☐ Display/build/change trips graphically
- ☐ Automatic/manual trip sort
- ☐ String graph
- ☐ Trip statistics
- ☐ Trip transfer times between routes
- ☐ Stop time display
- ☐ Extract patterns and running times
- ☐ Exceptions

Vehicle/Garage and Train/Yard Assignments

- ☐ Permit interlining and/or dead-heading
- ☐ Block (hook) manually and/or automatically/graphically
- ☐ Unblock (unhook) manually and/or automatically/graphically
- ☐ Block statistics
- ☐ Display blocks graphically
- ☐ Block renumbering
- ☐ Histogram of vehicle requirements
- ☐ Switch trips between blocks
- ☐ Display all possible deadheads

- (inter/intra garage)
- ☐ Assign blocks to station(s) (manual or automatic)
- ☐ Save/restore/match vehicle assignments
- ☐ Extract deadheads
- ☐ Block costing
- ☐ Exceptions
- ☐ Assign cars to trains
- ☐ Train statistics

Runcutting

- ☐ Automatic/manual/graphical driver assignment
- ☐ Drop back assignment
- ☐ Optimal runcutting
- ☐ Optimal improve runcut
- ☐ Graphical cutting
- ☐ Run costing
- ☐ Add/delete/change operator run types
- ☐ Line/block/trip selection
- ☐ Piece selection by defined work rules and procedures
- ☐ Unlimited pieces in driver run
- ☐ Relief time display/shifting/ changing
- ☐ Save and restore driver assignment(s)
- ☐ Implement/save/restore collective agreements
- ☐ Driver statistics
- ☐ Exceptions
- ☐ Runcut comparisons

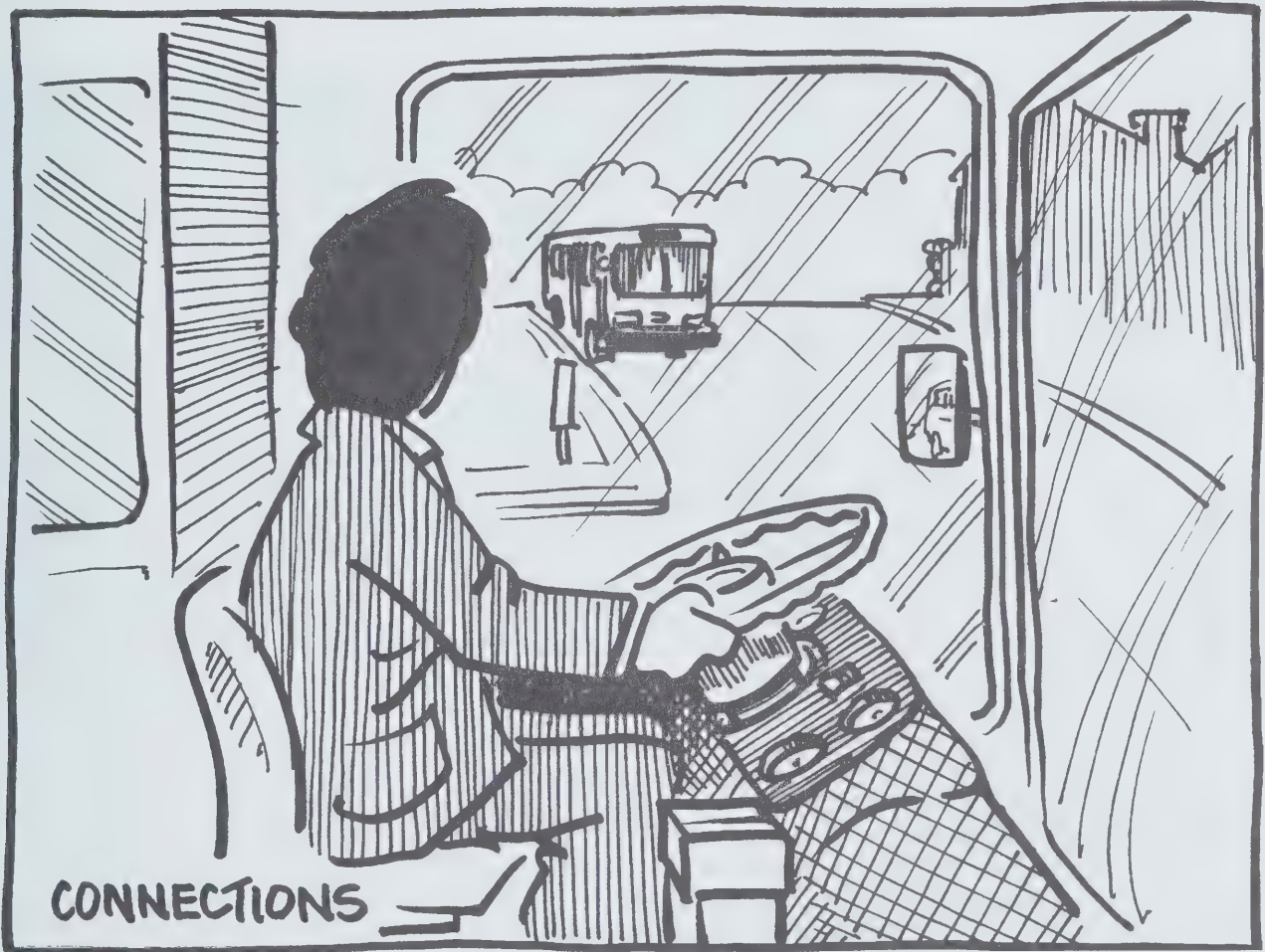
Rostering

- ☐ Automatic/manual on-day assignment
- ☐ Automatic/manual off-day assignment



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- ☐ Improve roster
- ☐ Switch roster
- ☐ Service profile graph
- ☐ Exceptions
- ☐ Save/restore/match roster
- ☐ Roster costing
- ☐ Roster statistics

Reporting

- ☐ Headways

- ☐ Paddles - Vehicle & Drivers
- ☐ Runcuts
- ☐ Rosters
- ☐ Schedule, Vehicle and Driver Statistics
- ☐ Statistics by Line(s), Block(s) and Division(s)

Interfacing

- ☐ Word processors

- ☐ Desk top publishing
- ☐ Spreadsheet software
- ☐ Optical scanners
- ☐ Automatic vehicle location/radio
- ☐ Timekeeping/payroll
- ☐ Public information
- ☐ Farebox
- ☐ Mapping data
- ☐ Paratransit systems



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GIRO

Giro has product installed internationally, but specifically has their HASTUS system for vehicle crew scheduling at OC Transpo, GeoRoute-ACCES for paratransit scheduling at the TTC and Logimaint for vehicle maintenance management at Sault Ste. Marie and St. Catharines Transit.

GIRO-HASTUS

Transit vehicle and crew scheduling system - The system has extensive parameters which permit you to adapt the system to service the transit properties current and future needs.

The system supports controlled interlining, varied driver relief practices, complex travel time calculations, multiple driver shift types...and much more!

The system has been tested in several countries, and produced substantial savings. Specifically, OC Transpo achieved cost savings while cutting computer executive time by a factor of 3.

- ☐ Generates vehicle timetables
- ☐ Provides a fully interactive mouse-driven, colour graphic scheduler
- ☐ Is a module for advanced vehicle schedule optimization
- ☐ Produces crew schedules to conform with collective agreement

parameters and work rules.

- ☐ Automatically generates multi-day operator assignments from the results of HASTUS-Micro.
- ☐ Used as a planning tool to answer "what-if" questions concerning the cost impacts of changes to work rules and/or service levels.

HASTUS-MINIBUS

Minibus is an optional module that complements Hastus-Bus by providing advanced tools for vehicle scheduling. The standard module produces optimized vehicle schedules by minimizing vehicle-hours for a given set of routes. Basic constraints such as travel, layover, and deadhead time allowances are respected when linking trips into depot-to-depot vehicle assignments (blocks). Vehicle type requirements can also be specified.

Minibus takes the block creation process further by taking into account additional constraints and preferences, and by offering increased optimization capability in areas such as:

- ☐ Block Characteristics that reduce crew costs
- ☐ Interlining with complex constraints
- ☐ Respecting depot capacities by vehicle type
- ☐ Assigning blocks to multiple depots
- ☐ Trip shifting

Management uses Minibus to create vehicle blocks that reduce vehicle and labour costs.

Improved Block Creation

The quality of blocks created can be improved by accounting for vehicle or manpower related constraints or cost factors:

- ☐ Minimum block lengths lead to savings when collective agreements specify minimum piece lengths. Block start and end time preferences can also be identified to avoid night work premiums, or to comply with restrictions on driver duty length or other constraints.
- ☐ Vehicle block size can also be limited for operational reasons such as fueling, farebox servicing or breaks. Block sizes exceeding a specified vehicle parameter can be penalized and eliminated.
- ☐ Blocks can be partitioned so as to ensure that the duties will have identical start/finish districts or that specific duty types will be available at given periods of the day.

Controlled Interlining

In some cases, it may be desirable to limit the interlining of buses. This is either done for operational considerations, such as training or increase driver acceptance of schedules. Minibus allows the linking of trips from different routes to be controlled and limited by specifying:



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OC Transpo, a running inventory is always on hand, in clear defiance of just-in-time approaches in other industries. Buses can't stay on hoist until parts arrive.

- ☐ Route groups that can be interlined together
- ☐ Maximum number of routes or route changes per block
- ☐ Penalties for route changes
- ☐ Places where interlining is allowed by period of the day
- ☐ Minimum layover requirements

Regular Relief or Service Opportunities

Interlining can also be used to provide improved opportunities for operator relief or vehicle servicing. Blocks from different routes can be interlined to provide regular passage close to depots or servicing points, thus reducing travel time to the depot.

Vehicle Block to Depot Allocation

Minibus is also used to optimize the allocation of vehicle blocks to the different depots. Management uses this to identify unproductive time (pull-in/pull-out, deadhead) and minimizing these costs.

Reduced Vehicle Requirements Through Trip Shifting

Marginal adjustments to trip start times within specified limits can further reduce total vehicle requirements. This feature is usually best suited to school trips, rush hour trips, or trips to industrial parks.

HASTUS-ROSTER

Roster is a planning system designed to support public transit personnel in the preparation of weekly or periodic crew assignments. Daily work and days-off are combined according to the practices of each property. This process is often called rostering, period rostering or rotations planning.

Handles Various Rostering Approaches

- ☐ Collective Agreement rules and regulations and preferences governing the number and placement of days-off, and the way daily duties are combined to form a roster.
- ☐ Government and company regulations such as average working time per period and minimum rest time between two successive work days.
- ☐ Rostering goals, for example, equalizing average pay and working conditions, minimizing weekly guarantee payments, or favouring specific combinations of work days for senior employees.
- ☐ Reduced service on public holidays.

When building rosters interactively, the transit property can pick duties form a list of thos that meet specific characteristics. In addition, the individual specific duties can be displayed by:

- ☐ Duty number



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- ☐ Start Time
- ☐ End Time
- ☐ Platform time



Peterborough Transit, downtown terminal, like a heart beat, buses converge at once as part of the radial design.

Daily driver duties are also produced and combined into rosters while taking into account various rules, regulations and preferences and include:

- ☐ Minimum number of off days
- ☐ Minimum number of consecutive off-days or weekends-off
- ☐ Minimum duration of each free period
- ☐ Maximum worked hours over a selected period
- ☐ Weekly paid hours guarantee
- ☐ Number of reserve duties

Duty types and days-off patterns can also be specified to guide the automated procedures or to validate rosters built interactively. Duties can be classified by type according to several characteristics:

- ☐ Split, straight or part-time

- ☐ Early, middle or late
- ☐ Articulated or regular bus route

An early straight can, for example, be defined as a duty with a meal break of less than 1.5 hours starting before 9:00 in the morning.

Roster can then be built with patterns such as:

- ☐ Same duty for each day of the week
- ☐ Straight duties only
- ☐ Late starting duties after a day-off and early finishing duties before the next day-off.
- ☐ Pre-defined day-off and weekend days-off patterns.

the various scenarios proposed. The system evaluates deadhead travel from each existing or potential garage location to the vehicle routes, while taking into consideration the garage capacities, existing route-to-garage assignments and interlining between vehicle blocks, where permitted.

This program is a tool that planners use to assess the impact of:

- New garage locations
- Expanding or reducing the size of existing installations
- Closing certain facilities permanently or on weekends and holidays

For assessing the efficiency of existing garages, deadhead time presently available are employed.

Aliage can be adapted to a variety of changing criteria. A partial list of the constraints that can be considered includes:

- ☐ Types of interlining allowed
- ☐ Division of vehicles between maintenance garages
- ☐ Minimum and maximum number of vehicles assigned to a garage for peak and off-peak services
- ☐ Desire to use a particular garage despite higher costs (ie., because of superior maintenance facilities or location in an industrial park).
- ☐ A route or sub-set of routes can be fixed to a specific garage, to any one of a specified subset of garages, or be split among no more than two or three garages.

ALIAGE - GIRO

Garage Location Decision Support System

Aliage is a software package designed to aid transit managers and planners select the optimal garage for each route in a transit network and evaluate sites for new garages.

Aliage is well suited for transit properties with a number of garages. Many transit properties indicate that garage location saves them hundreds of thousands of dollars in operating costs by reducing deadhead top and from each route.

Aliage minimizes deadhead costs by minimizing the number of vehicles required by comparing the total cost of



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THE SCHEDULING PROCESS IN TRANSIT

TRADE UNION CONCERNS WITH SCHEDULING

1. Routing and scheduling done by computer. Crews generated by paying least money. The problem with RUKIS is it leaves large portions of unmanned runs, that can no longer be crewed up into either a.m. or p.m. pieces of work.
2. Computer no interested in realistic headways or running time.
3. Time points set by management, they determine time, often unrealistically.
4. STEP Program/TTC (Service Transit Enhancement Program) Identify's flaws in schedules. Union has input, but the process is lengthy. Union believe's it's an improvement, but not perfect. It permits input, but the union has no authority when push comes to shove.
5. If union complains, then the STEP committee commences an investigation with respect to scheduling concerns. Every TTC division has a STEP program. They typically consist of a superintendent, union board member, shop steward, supervisor of inspectors, and 1 or 2 operators, plus TTC brass from scheduling and planning. The STEP committee meets on a monthly basis.
6. Union stewards check the schedule 2 days before posting.
7. Scheduling grievances are very few, technically not grievable.
8. A big complaint of scheduling is that they provide little or no breaks.
9. Management say they don't want breaks, but if they agree with union requests, then the day is longer.
9. Scheduling should allow the operator a lay-over at the end of line. Especially after a 10:00 relief.
10. Time points are a problem with most transit unions, and typically cause friction with 80% of operators on most properties.
11. Abuse of time points because patrons call and complain, thus starting the discipline cycle for operators. Also, CIS, AVL/C are becoming regular features in the discipline process. Clearly, not the original purpose of the equipment.
12. If an inspector is good, no problem. Problem inspectors are also part of the problem.



HUMAN RESOURCE PLANNING AUDIT

FACTORS AFFECTING SERVICE IN THE 1990s



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The HRP consultants reviewed the current factors that are affecting transit properties in relation to service. Part of the process included consultations with transit employers, union officials, and government officials. The format of this section will be presented as seven case studies of the Ontario Transit Industry. These properties represent a wide cross section of transit properties in terms of size, workforce, complexity and sophistication of the transit system.

TRANSIT SYSTEM #1

Staffing and Scheduling Models
In terms of the existing scheduling model currently in use, this medium sized transit system uses TeleRide Sage's Graphical Scheduler (G-Sch) for the last 2-3 years. Whenever there are any changes to the collective agreement language governing working conditions and premiums, this usually necessitates scheduling and program changes. Management is very concerned about identifying scheduling flaws early. Part of the schedule review process involves an operator review committee, which also deals with issues of vehicles assignments and time of sign-up. The union has clearly defined entry points into the schedule preparation process. One of management's key concerns has been the establishment of realistic time points. Management had



OC Transpo, somewhere in the 1980's the vision, commitment and union cooperation, allowed Ottawa to surpass Toronto in the areas of transit innovation. With a network of dedicated transit ways, Ottawa has become an international must-see for transit planners.

a negative experience resulting in high absenteeism under the old scheduling system. The whole scheduling process is also highly political, and in fact, one can characterize many changes in service being driven politically. In fact, the transit advisory committee was a political launching ground for some people.

The formalized review committee has strengths and weaknesses. It has been argued that a formalized process further exposes scheduling to further tinkering. Management fears that the cure may also be part of the curse. The original premise of the schedule review committee was based on the operators

mistrust in the schedules. Operators sensing that maybe grievances could be resolved freely through the review committee exercised their right to provide input and demanded changes. Further, the existence of a formalized structure also became self serving. When the major problems seemed under control, then issues were invented so that some of the committee's activities were driven by picayune complaints that should not have been considered. In the final analysis, after the process became routine, it provided the parties with some analysis of why transit operated in particular manner. Also, once the scheduling review process became entrenched,



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it was perceived as being quite progressive and responsive to employee interests. So morale was impacted.



London Transit, garage facilities are clean thanks to MTO grant to give the workplace a face-lift.

Extent of Service Cuts

The transit system has incurred a ridership loss of 4-5% per annum over the last 3 years. Overall, current ridership levels are off 10-12%. The bright spot, in relation to other transit properties is the fact that total ridership loss, although significant, represents half the loss experienced by many other transit properties in proportion to total ridership. One of the fundamental principles which guided the transit system was the maintenance of service. In other words, there wasn't the slashed service scenario's which occurred at other transit properties in direct response to similar ridership difficulties. Management was vigilant to optimize every available revenue option, then buttressed by organizational cost cutting. As a result of this activity, the transit property saved a net \$200,000.

Savings have now grown to over \$500,000 annually. Of note is the fact that Ontario public transit has been in this down-sizing mode well in advance of the 1993 Social Contract deliberations. In fact, the Social Contract was the tail end of a continuing process of structural reassessment and redefinition in the transit industry. Of further significance, is the fact that student ridership represents upwards to 35% of the ridership base.

Clearly, a demographic constituency this large also requires careful attention and consideration, especially in light of the persistent ridership struggle between local school bus operations versus usage of the local public transit system. In fact, there are broader policy and political aspects to the student ridership issue directly related to the cost of delivery. School boards argue that they can deliver transit more cost effectively, and tailored to their own routes. Secondly, the cost of student discount packages, in whatever form (subsidy, cash transfer, passes, or ticket brokerage) is considerable, and has been the source of some friction between local school board and transit officials, as well as the provincial government.

Extent Ridership has impacted on Service Cuts

With respect to service, the HRP consultants found that having comprehensive service standards in place (route performance and accessibility) proved to be effective in preventing

indiscriminate and careless pruning of service. In fact, service standards create a buffer which forces the transit property to plan service tactfully and within a framework which forces attention to innovation, versus indiscriminate bottom line service cuts. In fact, service standards also force a readjustment in thinking which results in a belief that you don't cut service entirely, and that transit must be available in the event of emergency. Primary design consideration is that the rider can always rely on transit to get home; or walk a little further, where service is always available. As well, there has been a period of excessive route realigning, with a long standing commitment to the core service, and reflected by the fact that core service has not been disturbed or slated for major cutbacks. As well, although ridership has declined, there is also a commitment to maintaining holiday and Sunday service.

Impact of Split Shifts and Hours of Work

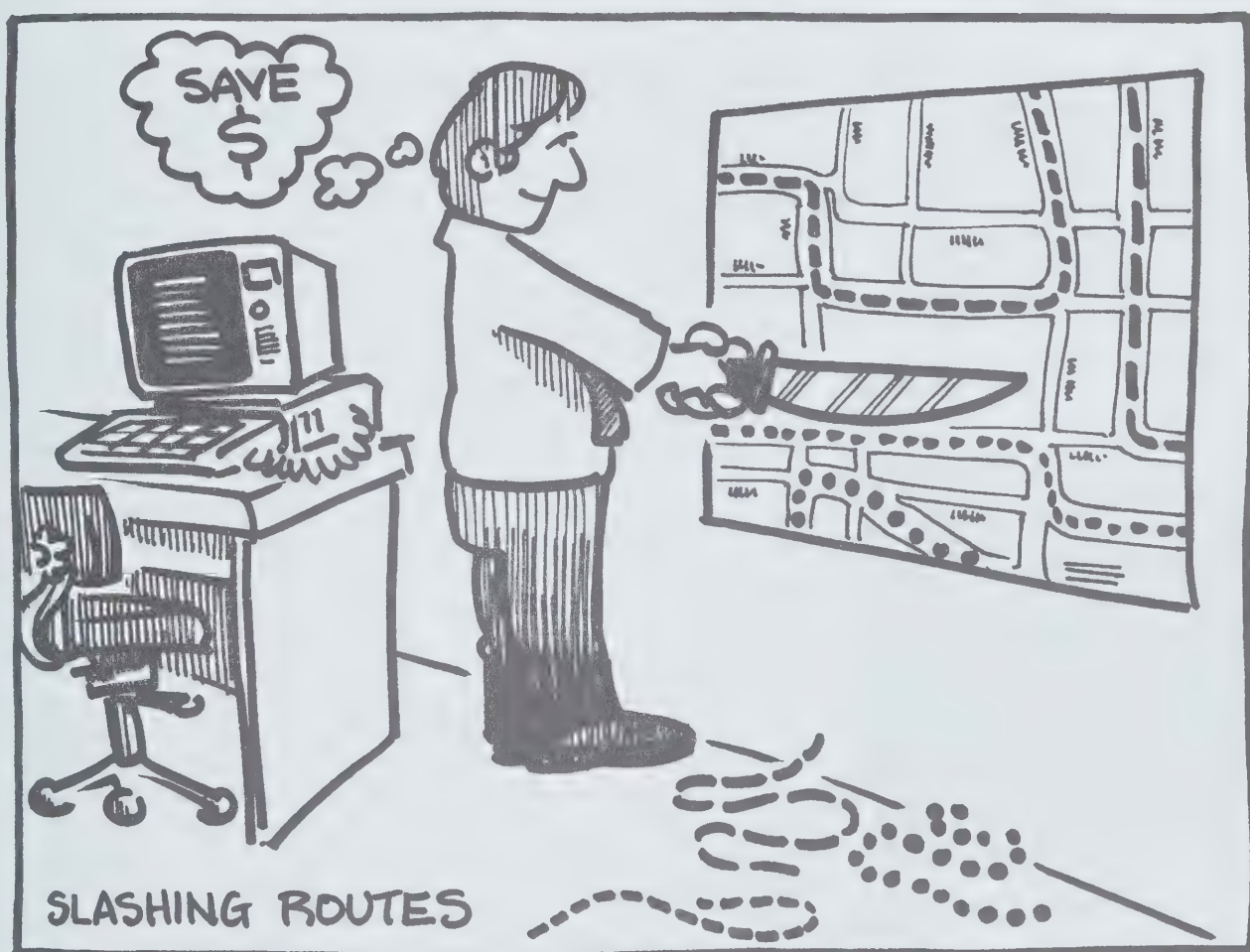
Management believes that part-time is the solution to the split shift issue. Either as a remedy to the long held belief that the hours of work in the transit industry are arcane and inhuman, or strictly as a cost saving measure by providing inferior wages and benefits. Although this has been touched on earlier in the HRP review of the part-time operators in public transit.

Part-time operators also allow the employer to be more flexible in arranging work schedules. In fact, part-time



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operators are referenced in the collective agreement as a result of insistence by the bargaining agent. The popular belief was that part-time operators can alleviate lousy shifts and spreads which is how the issue was sold to the union. When ridership levels heat up again and begin to rebound with annual growth posted, it is believed by management that the part-time issue will

re-surface. Either in the sense of changing the ratio of part-time to full-time, the kinds of routes work part-timers can perform, or to broadening the part-time concept throughout other operational areas.

Performance Management Yardsticks

Management believes there are certain

measures of productivity that are important to consider on regular basis.

1. Minutes worked per hour was believed to represent a productivity index that means something.
2. Boardings per hour.
3. Passengers per hour.
4. Revenue/cost ratio (r/c ratio).
5. Deficit per passenger based on each route and broken down by time of day.

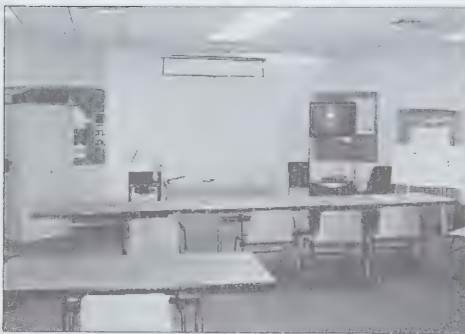


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Demographics and Ridership Trends

The HRP consultants found that demographics were prepared by the planning scheduling section within the City department. There are 3 planners and 2 schedulers. The transit property has electronic fare boxes which is believed to provide important data in planning service. In addition, the transit property is also implementing a AVL (automatic vehicle location sys-



HSR, provides a well equipped education centre for internal education and workshop programs. Something clearly missing at many transit properties.

tem). As well, the regional government is reviewing their official plan, and transit will become more high profile and a priority for planners. Clearly, the long term strategic commitment appears intact, although it remains to be seen whether transit can survive the long haul. In fact, there was also a home interview of 7,000 residents. The transit system also did SDSS. As well as on-board surveys. The key has been in the consistency of survey instruments

which then allows for year over year comparison.

Operational Implications of These Trends

The HRP consultants found that management is able to use demographic and operational data to go back and identify service that incurs debt to the City. Although the fine line delineating profit versus money losing routes isn't black and white. In fact, it is accepted that some routes will not generate surplus revenue but continues to be put out on the road. So the issue becomes one of establishing and acknowledging acceptable ridership and revenue levels, although some service is not profitable, nonetheless, it is essential to the overall integrity of the system service standards. It is also recognized that management has greater access to planning expertise, therefore the transit property can always justify its rationale for decisions. Conversely, management can also justify the additional costs that planning incurs.

Fiscal Implications of Ridership on Fare Box and Subsidies

As a result of the recession, fare box revenue is down slightly. As well, the municipal government is not warm to the notion of a bailout. In terms of funding, the municipal government, although not fond of contributing additional dollars, makes its full contribution. The City absorbs 28% of the operational cost, the province 20% and 52% from the farebox. One of the key

ways to generate revenue has been to coordinate advertising from within the transit system. This has resulted in a savings in agency and brokerage fees, which have been plowed back into the transit system. It also provides additional employment and stability within the organization. That is also significant.

Current and Future Technology and Its Impact on Service

The HRP consultants found that the transit property is hot on implementing AVL because they can tie the technology into the fare collection system. This will allow transit management to determine where the riders get on and off the system. This sets the stage for automated scheduling. Which is believed to allow for more fine tuning of service levels. Clearly, the Smart-Card is part of the strategy. Management believes that AVL will change the fundamental way in which we look and plan transit service. For instance, 15 minute downtown service can be planned with a 30 minute return. This will allow for more dynamic scheduling which has inherent cost savings. The transit property currently uses TeleRider, and believes that ridership as a result of the system resulted in a 1/2-1% ridership increase. It was also noted that transit control receives approximately 8,000 calls per day.

Transportation Demand Research

No information regarding transit is more vital than information regarding





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demographics. Whether or not in the end the transit industry can change consumer attitudes remains to be seen. That still doesn't change the importance of demographic data, if not to change these patterns, then to at least prepare for potential impacts. In this area, there has been a keen awareness by senior Ministry of Transportation officials and many in the industry to accept the reality of an aging population. As well, there is a greater recognition of the needs of the disabled. And within this context, provincial initiatives regarding accessibility ring clear.

Transit management are also keenly aware of the importance of integrated transit planning between school boards and the local transit system. Whatever form this planning structure or process takes it should ultimately provide an understanding and agreement that wherever there is existing public transit service, then schools should piggy back on these resources as opposed to duplicating transit service in a pre-existing service corridor(s). In fact, the local transit system could allocate one bus to 3 schools. Maximum utilization of vehicles could occur if there were flexible start and finish school hours. If amended, this would allow transit planning to get scheduled/charter service to the schools. In fact, this has been done in many Ontario jurisdictions in conjunction with school bus companies and school board officials. Clearly, this same principle can and must be imported into local transit operations and planning. This would allow public tran-

sit to remain viable, productive, cost effective, which must be pursued with provincial and school board transportation officials. At present, the local school board purchases 5 month passes from the transit system.

Service Delivery Models

The HRP consultants found that the transit system is a division within the department. Commonly known as the 'transit division'. The head of the transit system reports directly to the Commissioner. The Commissioner is also responsible for City fleet, traffic, roads, parking, and transit.

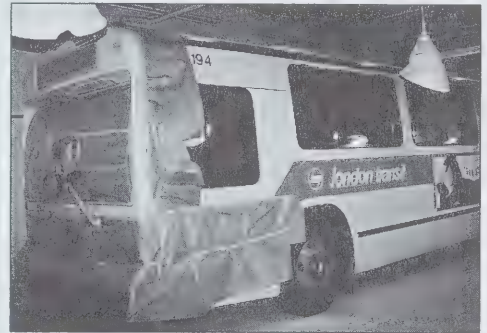
TRANSIT PROPERTY #2

Various Staffing and Scheduling Models

With respect to scheduling, transit property #2 employs a transit technologist. Some of the key concerns and factors that go into the service plan is careful attention to road conditions (snow or construction). As well, routes are continually monitored for employment variations ie., school closures, plant closures, and holiday service. As a fundamental premise, the transit system attempts to build service around ridership with a strong view to revenue potential. Since a strike in 1982, there has been a gradual but steady decline in ridership. Although no nexus is argued that the labour dispute started this

decline, there is a clear acceptance that de-industrialization has contributed greatly to the ridership malaise. At one time, there was a shortage of industrial parking, but since the many plant closures, parking seems more readily available, thereby increasing convenience of the automobile at the expense of public transit.

Currently, the transit property uses TeleRider Sage (mini-scheduler) and Sage run cutter. The plant operation prepare their own maintenance schedules. This is also an area of current



London Transit, quality in-house body work, and modern facilities make London a leader in vehicle restoration.

review. The transit system has 4 board periods a year, and the union and management consult after schedules are cut (driver work assignments). The union reviews the schedules that are ultimately posted. The variables in the process are constant sources of friction and discussions between the parties frequently relate to route changes, schedule changes, seasonal changes, customer contacts and traffic. In the final analy-



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sis, there is only about 1-3% of the work assignments which may be source of concern and consultation.

Extent of Service Cuts

The HRP consultants found that there has been a steady but growing reliance on increasing headway's, reduction in hours of service (revenue hours), especially during week-ends, but more particularly on Sundays. It was indicated that there has been some minor adjustment on one core route, but the core service system wide has pretty much stayed the same. The core service is between 7:00 a.m. - 9:00 a.m. and 3:00 a.m. - 6:00 p.m. Though one route was eliminated due to poor performance. This review and refinement is an on-going process.

Extent Ridership Has Impacted on Service Cuts

The necessity for service is driven by ridership. This is not a complicated concept to understand. If anything, the greatest change the last few years has been an extremely cost conscious mentality which has permeated every facet of transit operations. Clearly, economic situations force the transit system to be more responsive and sensitive to ridership. Management have taken a view that the transit system is no longer a make work project for operators and mechanics.

Impact of Split Shifts and Hours of Work

Management accepts that they do not

have a license to provide any kind of service, in order to make life humane for operating personnel. In fact, the elongated day is the reality of the industry. It's part of the institutionalized culture of both transit management and trade unions. Conversely, the transit property could not imagine any other industry using split shifts which they agree are unique to the transit industry. Yet within the reality of a 12 hour day, there is a constraint that the operator cannot drive more than 8 hours & 45 minutes. Though the formula varies from transit property to transit property. These constraints are usually articulated in the collective agreement in the form of a 12 hour spread, though the spread may vary marginally in different jurisdictions. Minimum road time is 8 hours, with a maximum of 8 hours 45 minutes. Time and a half is paid over 10 hours. To schedule within these constraints is an art. The computer program is only a tool. Scheduling also requires some work to be performed manually with respect to certain connections and maximizing overall efficiency. Output must be fine tuned for adherence to collective agreement provisions and to check for end of line delay or headway difficulties. In terms of breaches of collective agreement rules and regulations, a diligent effort is made by scheduling, but in the event of infringements on the collective agreement provisions, the onus is on the union to examine and articulate concerns with the schedules. Scheduling also recognizes that

the hours of work are disruptive to workers lives, and accept the fact that splits and related premium pay is compensation or inconvenience pay for working a 12 hour day. Inconvenience also includes stress. Sometimes operators can pick-up charter work in the 4 hour layover.

Performance Management Yardsticks

The HRP consultants found an increasing discrepancy regarding the rationale why AVL (automated vehicle location control) technology was so wonderful according to transit management, but found an increasing number of unions who are starting to see AVL enter into the disciplinary process. From our discussions with management personnel at transit property #2, it was the stated belief that AVL should not be used in the discipline process, and the rationale being that the system is fallible. This raises the issue of reliability in any pending disciplinary matter that intends to rely on AVL reports or data. Clearly, there appear to be grounds to challenge the system on that basis. Time points are also a partial productivity tool. Time points ensure that service is regular, and mitigates against different operator driving styles, allowing transit control to facilitate connections and provide real time information to customers. It also assists operators to determine whether they are late or early (hot or cold). Yet this whole area of schedule adherence, although on the surface innocent,





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places a positive obligation on the operator who cannot stay on time to let management know why. Clearly, the onus is being placed on the operator to give a rational explanation. This may very well establish the beginning of the disciplinary cycle. As well, buses now have real time tracking (AVLC), which allows transit control to contact the operator to notify them if they are running late, early or slow.

The HRP consultants found that some of the key performance yardsticks important to management are 1. number of platform hours (sum total of revenue hours + recovery hours + dead-head hours). 2. Vehicle miles. 3. Scheduled vehicle speed (part of scheduling process). 4. Operator reports on back of trip report for comments. 5. Monthly ridership versus budget. 6. Actual cost versus budget. 7. Road calls per hours of service. 8. Revenue/ Cost Ratio performed route by route. 9. Passengers per hour. 10. Spreading the 30 buses with automatic passenger counters throughout system for on-going ridership monitoring. 11. Monitor complaints and compliments.

Demographics and Ridership Trends

The department is known as Planning and Design and like its name it reviews transit planning and design issues. They are also responsible for demographic and growth analysis. The regional government also provides a staff person to the transit department to review long range transportation demand modeling and forecasting. They also use the

transportation forecasting tool M2, although M2 is not really a short range tool. As well, MTO also funded a data collection project through the University of Toronto, using census data and regional planning department data.

Operational Implications of These Trends

The bottom line appears to be service adjustments. The statistical process once the demographic data has been loaded into the system, generates person trip data. This does not assist transit in a micro planning sense, as much as it assists the staff responsible for planning roads. One of the key considerations in coping with these trends in ridership is that it has forced scheduling to be more cognizant and sensitive to the human resource component when planning. Clearly, there is a continual struggle to balance fiscal integrity against future employment stability, while trying very hard to minimize the need for layoffs.

Fiscal Implications of Ridership on Fare Box and Subsidies

The transit property has also had subsidies tagged to operating costs. Although subsidies are capped, there has been a decline of revenue, which has meant that the municipality was forced to kick-in an additional \$1 million to cover revenue shortfalls. Though the transit property is still maintaining an R/C target of 65%.

Current and Future Technology and Its Impact on Service

In terms of technology, the transit property has most of the modern tech-



Niagara Transit, a first witnessed by the HRP consultants, is a computerized credit card machine used when charter operators get routine maintenance performed while in Niagara Falls.

nological features available. For instance, they have a telephone information system, AVLC, electronic fare boxes, automatic passenger counting, integrated computer in accounting, and are in the process of computerizing the maintenance and inventory control process. In fact, transit management are at the point where they no longer want the transit system and riders to be guinea pigs for the Ministry of Transportation. In fact, it is conceded that the transit system has all the toys they require. The focus must now shift to changing the attitude of the organization and operators. In fact, there is also a recognition that AVLC is raising stress concerns among operators, clearly something that must be addressed by transit management, union, and the



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Ontario government. One of the best acquisitions was the dynamometer. It allowed the transit property to examine the quality of alignment and brake jobs. The bus that operates is good news for the riders, and well as the image of the transit property. If not, the public is inconvenienced by bus breakdowns resulting in the potential loss of riders if confidence in the fleet reliability becomes an issue.

Transportation Demand Research

The HRP consultants found the transit property to be one of the more sophisticated systems reviewed, yet in the final analysis, with all the planning, and capital infrastructure invested in transit, the tragedy is that the future doesn't look bright as ridership is still in a tail-spin. Further, there appears to be no quick cure-all for increasing ridership. In terms of raw data, ridership has dropped 20-25% over 8 years, yet the community is experiencing the second wave of the baby boom. Clearly, there is a recognition at all levels of the economic recession and the industrial re-structuring. But, once again, a key demographic statistic has been the 15-24 age group. They represent 15% of the total community, but research has shown they are more likely to use transit than their proportion to the total general population would indicate. This clearly supports the notion that students are a transit dependent constituency. Once again, school board and municipal transit operations must maximize opportunities to rationalize

services where possible, in favour of public transit.

General Comment

The transit system functions as a department, and is run by the Commissioner of Transportation and Environmental Services. This model appears to work and is argued to be better than years ago, when transit issues got lost in the shuffle. It is also recognized that some potential political interference exists, especially given the close proximity of political decision makers and the direct accountability of the Commissioner to the political masters. The level of political interference really depends on the personalities. The advantage of this administrative model is that with one person in charge of planning transit, there is a tendency to be biased in favour of transit, which in the final analysis has worked quite well.

In respect to contracting out, senior management indicate their concern whether it can be done cheaper in-house or contracted-out. To ensure that work is done in-house, management believes that there must be an examination of the productivity issues. There is also a recognition that contracting-out may be cheaper because of inferior wages and benefits. Though, senior management do not view this as a viable long-term option. In fact, the Welland experience was cited, which went the route of flirting with an excessive preoccupation with contracting out. In the end this was abandoned

for many reasons, but the issue of cost and control over operations were determinative factors for reverting back to an in-house approach.

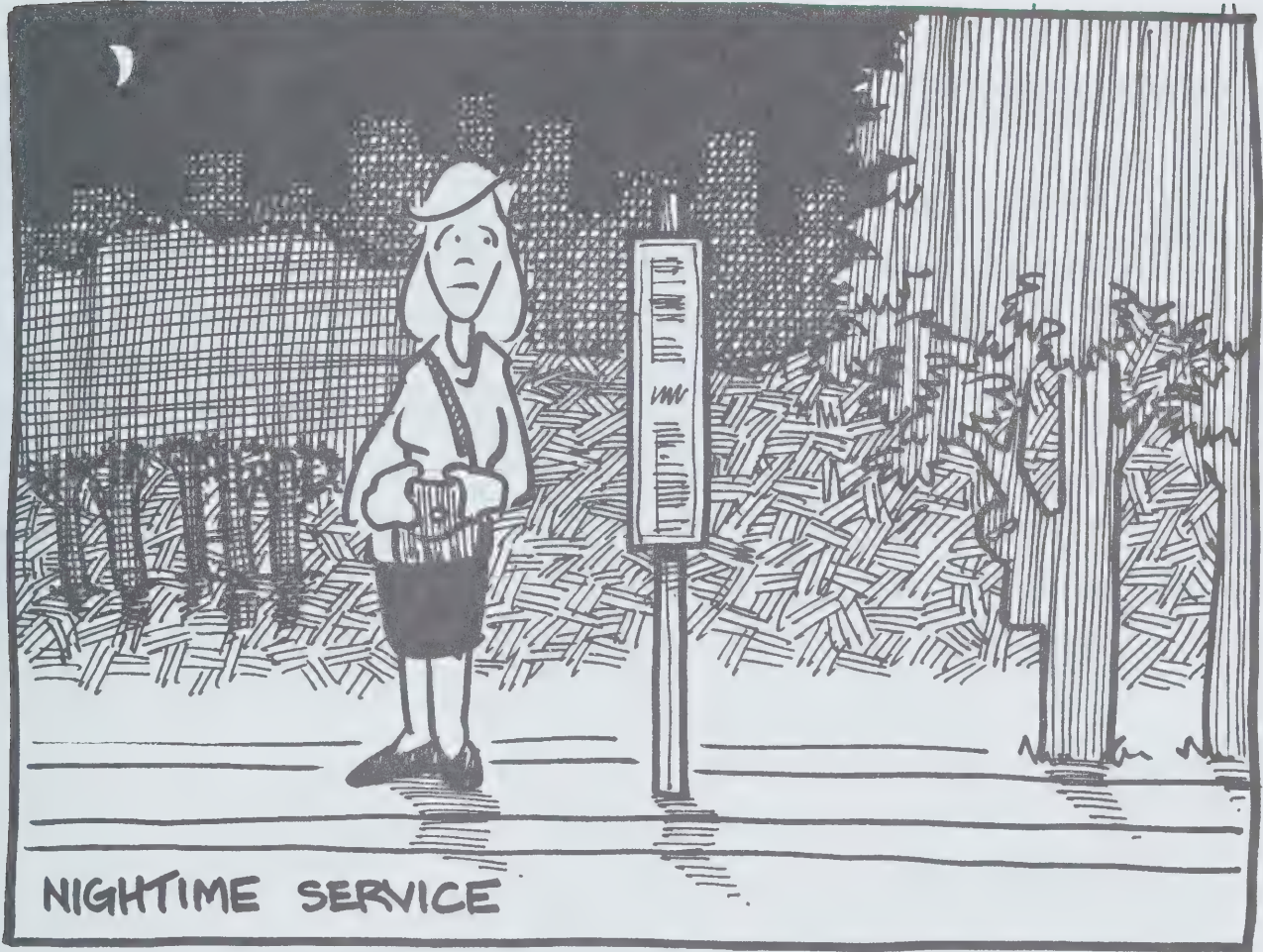
Contracting-out has also been used on a limited basis. Clearly the situation is different for various sized transit properties, since they will have different maintenance facilities and staffing levels. In respect to engine rebuilds, management believes that contracting out this work poses no jeopardy because they get the assurance of a guarantee. There are also many components rebuilt in-house, and these same components may also be contracted out in work overload situations. Clearly, no hard and fast rules exist. The transit property staffs at a certain level with an anticipation that work which is unable to be performed in-house will be contracted out. There is also a reciprocal relationship between some over the road properties and the transit property. There are also discussions taking place with GO Transit in terms of maintenance work to be performed by this municipal transit property, which is also being done on a limited basis with other transit properties. In addition, there is also a recognized level of cooperation with adjacent transit properties and an ability to borrow parts if necessary.

The HRP consultants found that one of the chief concerns regarding contracted work or services is the level of quality with respect to equipment, service, and supervision. In the final analysis, private contracting creates



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more hassle than its worth. It should be noted that some training programs are contracted out.

Management also believes that one of the advantages of having greater size contrasted to a small transit property, is the ability to tap into the attrition rate as part of a labour force adjustment

strategy. Attrition is a built in downsizing mechanism. It's a question of the number of retirements, and whether they mitigate against the quota of employees that must be shed. Also, there is a regular on-going labour/management meeting every month to review budget and ridership issues, and

other concerns. Although the structure looks sound, there is concern from trade union officials that the process is a pressure valve which gives the appearance of consultation, yet is more informational versus genuine consultation. Yet that distinction is significant, and will be explored further.



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TRANSIT PROPERTY #3

Staffing and Scheduling Models

Transit property #3 is a small sized property adjacent to Metro Toronto and currently within the Greater Toronto Area. The existing scheduling system is highly computerized using Inter-graph and TeleRide-Sage. The transit property also has a computerized run-cutting spare board. Planning uses a quick-pak scheduling system, as well as a personal computer version of mini-scheduler. Unquestionably, this saves time versus a manual process, but it also enables the scheduling staff to make changes with a view to cost effectiveness. Scheduling personnel believe that the systems in place allow for schedule optimization through flexibility which; enhances existing schedules, reviews scheduled service, improves connections, and most importantly - the scheduling tools allow for the development of new service and routes, when necessary.

Another feature of the scheduling process is the ability to minimize run-cutting, by taking actual pieces of work, placing them into blocks and then cutting them into runs. The collective agreement sets out the parameters, which are plugged into the software. The software is designed to accommodate particular collective agreement constraints or commonly referred to as local working conditions. These work-



Peterborough Transit, operation is highly integrated with municipal fleet, sharing garages and maintenance facilities. Integrated operations and resource sharing are part of Peterborough's successful strategy.

ing conditions are then programmed into the computer program.

The board periods last a duration of approximately 6-8 weeks, and experience indicates that this process is not susceptible to continual trade union input regarding run changes. Instead, the trade union has an official designated to participate in the rostering process only, which is the union window on the process. This is provided for by a "letter of understanding in the collective agreement". Transit management believe that there is an incentive to be fair in the run cutting and rostering process, because a good work environment has immediate spin-offs in

terms of operator morale, which in turn translates into cost savings and ultimately a better image of transit if operators are treated humanely.

Extent of Service Cuts

The transit system has experienced significant ridership losses, consistent with the experience of most transit systems in Ontario and particularly in the Greater Toronto Area. In terms of service modifications, some of the immediate measures to cope with budget cuts and lost ridership has been the elimination of Sunday service, headway's, holiday service, and off-peak headway adjustments. Looking at the totality of



these service modifications, there has been a 5% service reduction, which represents a net value of \$250,000. In 1991, the transit property also implemented service cuts by cutting out extra's, and re-prioritizing capital projects (building repairs).

Globally ridership at the transit system has declined approximately 26% over the last several years, but within that broad category, it appears there has been a disproportionate erosion of the student ridership base which has had a pronounced effect. One of the key factors in this situation has been evolving school board policy governing transportation service standards. In some situations, school boards have changed their boundaries governing how far students must walk or travel before the school board is responsible for providing transit. This has the practical effect of limiting the school boards obligation for providing transportation. The result of these school board decisions has cost the transit system approximately 4,000 students per day in lost ridership, or \$1 per student, and approximately \$780,000 annually. One of the significant revenue impacts has been the cut-backs in provincial subsidies for municipal transit operations. In addition, there has also been a general economic impact on ridership as a result of plant closing's i.e., Catapiller (800 employees), Motorola, and numerous small business bankruptcies.

Management accept the fact that split shifts are a reality in the transit industry. In fact, the ability to provide straight shifts has been curtailed. Whether attributable to budget constraints, or ridership patterns, the transit property has cut down on the number of straight shifts from a high of 75, down to around 47. The trade unions have historically placed a high value on straight shifts which have traditionally been offered to more senior operators through the bidding process. The current split shift runs from 5:30 a.m. - 9:30 a.m. in the morning, and the afternoon runs 2:30 p.m. - 6:30 p.m. At present, there has been no real pressure to increase headway's. Management also realizes that straight shifts are desirable, but also have some concerns about younger drivers being precluded from straight shifts because their seniority and years of service don't make them eligible to realistically bid and obtain this highly cherished, but limited pieces of straight shift work.

The transit property continually polls ridership for their views on service levels and potential improvements. One of the novel approaches has been to utilize injured workers for head counts and time points. Being able to utilize injured workers to perform light and modified duties incurs savings for the transit system, and the Ontario govern-

In addition, the transit property notes that due to its small size this is one of the key reasons that employees on WCB are able to go out in the field and do random time point audits. Small transit properties can get away with it. They also note that there are no real performance yardsticks for unionized operators, but time studies are performed for routes performance, but this is generally not operator driven. In contrast, the maintenance department uses a ratio of 1 mechanic per 10 buses which has traditionally been an operating standard. In addition, trade union



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officials note that the ratio of mechanics to buses is deceptive measurement, because this does not take into account the degree of contracting out of maintenance work performed by the organization which would then have an impact by skewing the ratio. Thus, internal operations and procedures make this kind of comparison meaningless as a industry wide statistic, especially if a transit property is attempting to illustrate or compare staffing levels between transit properties.

Demographics and Ridership Trends

The HRP consultants found that there was a general belief that ridership trends were very difficult to predict or capture using any variety of statistical models. Though it was indicated that no such working model currently exists. One of the key concerns expressed was with predictability regarding the multiplicity of extraneous factors that are next to impossible to predict or quantify.

As a result, historical data has tended to be an important consideration when conducting future market position analysis. In addition, another key element of the ridership prediction process involves transit consultations with the Business Development Office who provide some assessment of future ridership market potential. In addition, consultations also take place with the Building Development Office to determine new house counts and commercial projects slated to come on stream, and what impact this may have in terms of potential ridership increases.

From experience to date, this process has worked in a growth economy. Yet, there is a growing body of experience that indicates that the model of demographic profiling currently used is an inaccurate predictor in a unstable shrinking transit market. As transit management pointed out, certain trends are blatantly obvious, yet some factors are obscure and difficult to meaningfully capture statistically. That is an experience which the HRP consultants heard echoed throughout the industry.

Operational Implications of These Trends

The HRP consultants found that management continually monitors plant closures and plant expansion, whether new companies or expansion of existing facilities. As well, there has been a noted increase in student ridership coupled with an expansion of the general community population which now stands at approximately 240,000 residents. Clearly, a correlation exists between these two facts.

Fiscal Implications of Ridership on Fare Box and Subsidies

Transit staff indicated that the immediate implications have cost the transit system lost revenue due to declining ridership and fare losses. Secondly, there is also pressure in terms of provincial reductions in subsidy. City council has also in response to revenue shortfalls increased their contribution to transit in excess of their municipal target.

Current and Future Technology and Its Impact on Service

The HRP consultants found that the transit system is slated to get AVL (automated vehicle location control) or GPS (global positioning system) funded by the Ministry of Transportation. Transit management argue that this system will make service more efficient through more effective utilization of time points. It is further argued that AVL will also have a significant impact on the manual head counting program currently in place to audit ridership. Nowhere has there been an explanation how this would impact on the innovative injured worker rehabilitation program which would be impacted by AVL. As well, it is argued that AVL will also eliminate inspectors required to monitor routes. One of the key sales aspects to AVL is that it provides graphics on a monitor, thereby giving transit control a live perspective of the system at any given moment. This then allows transit control to keep the public properly apprised when service inquiries are received.

Transit management believe that it allows them to visualize where service is on the street. It can also potentially be used as a disciplinary tool or in disciplinary proceedings. In terms of the price tag, management indicated that the Ministry of Transportation is better able to ascertain program costs. Though transit management are fully aware of the on-going operational costs associated with AVL program main-



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tenance and operation. This will probably be outsourced as a maintenance contract.

Although AVL will address the above noted needs for information, there appears to be a greater requirement for modernization of the existing radio system. The current system in operation is 18 years old and suffering from frequent breakdowns and obsolescence. Clearly, this will become more of a security issue for the trade union and the public.

Transportation Demand Research

The HRP consultants found that there are significant areas of transportation demand research which are monitored which reflect the different approaches necessary to analyze transportation patterns in a growing suburban community versus a mature stable community with a declining population.

In terms of recent development trends, the opening of Aikenheads, Chiropractic College, Woolco, and a Caneff Construction head office, clearly point to potential growth for transit. This information was ascertained through liaison with the Business Development Office, and by checking building permits. As well, ridership in February 1993 was up from February 1992 by 5.4% or 20,000 rides. This is probably a reflection that the municipality is a growing community.

One of the statistical measures of transit usage, is the per capita utilization of transit by the local population.

Transit property #3 currently has 6% of the population using public transit, which in comparison to other transit systems is not a high utilization rate. Some of the explanations for the low utilization rate relate to the absence of dedicated bus lanes, express buses, and the fact that transit is not an effective alternative to the automobile, nor as fast.

Currently there is a delicate balancing act between what the City mandates and what ridership wants and needs. Clearly, there are threshold ridership levels required to justify whether service is provided and at what level. That happens to be economic reality. Yet, there is a strong understanding that transit properties cannot measure route viability strictly on the basis of financial viability. The transit system must be built upon a good core system, consisting of your bread and butter routes. As well, the service standards must be built upon a minimum where public transit is available within a 1/4 mile from any residents home in the community. That is the basis upon which a viable grid system can be developed.

Additionally, where integration with GO Transit has occurred, through fare and service coordination, statistics indicate that this ridership sub-section has been solid. Further, revenue generated by these integrated services has been significant in contrast to other portions of the municipal transit operation.

There is also currently some integra-

tion with the inter-city carrier Gray Coach. In addition, Vaughan is also integrated in a limited way with the municipal transit operation. At present, there has been no real union opposition, since no jeopardy to the existing trade union has occurred, especially in terms of jurisdiction or employment. As well, the transit property also has a limited integration situation with Mississauga Transit at the Shoppers World plaza.



Niagara Transit, a common feature in Ontario transit are rolling billboards sponsored by advertisers. Although a cash cow, a general reluctance exists to diminish the image of transit.

As part of a blue print for the future, the transit system believes that there is a necessity for dedicated routes, light-rail transit, more feeders into GO Transit, and Smart-Card technology. As well, some consensus exists surrounding the current political structure and the fact that perhaps it's time for the regional government to exercise jurisdiction for transit in the form of the Metropolitan Toronto model. This inclination will clearly be impacted by



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the current "TRANSIT INTEGRATION TASK FORCE" constituted by the Minister of Transportation, the Honourable Gilles Pouliot.

Clearly, when transit property #3 assesses its strengths, it has an advantage that smallness provides. Management talk about a connection to all operational aspects, which gives them a better feel, plus an ability to have more hands-on of operations. In the end, the organization is not a faceless bureaucracy.

Service Delivery Models

In terms of the costs associated with public transit on a per capita basis, transit costs the local community .39 cents per week per household. That translates into a per annum cost of about \$20.24 per household to subsidize public transit. That's cheap in comparison with other communities, which also makes the city politicians quite happy.

Although there is a natural friction between the trade union and management with respect to the viability of performing transit operations in-house, there is not a present a privatization or contracting-out scenario currently contemplated. Management's initial concerns over contracting out relate to the loss of control that they would experience over the operation. It also forces operators to work for two masters i.e., contractor and city. The competing interests of two employers divides the loyalty of the employees who in the end will become confused and demoral-

ized. There is also a general belief that private contractors cannot perform work cheaper, or provide the quality control and workmanship inherent when transit operations perform work in-house. Though, it was indicated that engines and transmissions are built out of house, no body shop or paint shop work leaves the premises, and management is proud of the level of specialization in this area. This may be an invitation and opportunity to contract-in work from other transit properties.

There is also a recognition that centralizing garage functions makes sense on a regional basis. This relates clearly to current discussions regarding the integration of transit services within the Greater Toronto Area. Also, it was noted that Orion buses were used extensively on the transit property which work out quite well since the buses were made in Mississauga, and parts are literally available down the street.

get constraints, management sat down with the trade union to review the current budget situation. The union President and Secretary participated in an exercise of co-determining where the operations would be curtailed. None of this was formalized in the collective agreement, or by way of memorandum of agreement, it was rather entered into in the spirit of cooperation. In addition, the trade union now has a formalized window into planning decisions, as well as input into budgetary discussions. Whether this cooperative and participative model can survive in the long term remains to be seen. Clearly, there have been situations, which test the viability of this approach. It must be recognized that where there is not an equal balance of power or authority, this will in the final analysis be the determining factor whether co-determination is really viable or is a co-opting exercise that pretends to give equal rights to the trade union.

Management indicate that 90% of all scheduling complaints are driven by 10% of the people. Management sees this as problematic because there is a sense that perhaps workers complain for the sake of complaining, attributable to the fact that workers are empowered with the right to grieve in their collective agreements. The trade union, however, views the situation from a somewhat different perspective. Although the union concurs that statistically most operator complaints are driven by a small majority, this doesn't

TRANSIT PROPERTY #4

Staffing and Scheduling Models

Transit system #4 is a small rural transit property. The HRP consultants found that the current scheduling process is manually performed due to the small size of the operation. There are 25 buses in the fleet, 39 operators, and 8-10 part-time operators. Because of bud-



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mean that this small group are habitual whiners. In fact, this situation has been cited by many transit systems. The trade union believes that in fact there are more employees who would complain about schedules but are disinclined to exercise their rights to grieve or formalize their concerns. As a result, although there may be a minority of workers who exercise or challenge scheduling decisions, there must not be a tendency to portray these workers as the lunatic fringe. Because in fact, the trade union relies on a due diligence of its members to exercise their right to grieve which then allows the union to make inquiries and examine the merits of these grievances and investigate abuses.

Review Extent of Service Cuts

The transit system has suffered from a 0% budget increase, and in fact, incurred revenue losses attributable to declining ridership. In response to these operational pressures, the transit system has reduced weekend service. The spare board which had traditionally utilized 7 operators is now down to 5. The spare board has been particularly useful for covering for ill operators. As well, specials are assigned pieces of work.

Extent Ridership Has Impacted on Service Cuts

The HRP consultants found that the transit service has experienced significant ridership decline, which has dropped 10% since 1992. This has resulted in an over-all operational re-assessment of the transit operation,

with the union's participation. This resulted in scheduled service on Saturday being cut-back. Also, the summer schedule was also adjusted to 1 hour service and limited late night service (top end). This process of service adjustment has taken place for some time. In the fall of 1992, the transit system implemented 1 hour headway's on 4 routes. As well, attrition of the workforce has also been used to downsize the operations. Currently, there is a sense that service can no longer be cut-back without jeopardizing the viability of the system, and significant job losses.

Impact of Split Shifts and Hours of Work

This issue is an on-going problem for the transit property. There is a recognition for the need of a 10 1/2 hour shift and realize there is no way to eliminate this reality. There just has to be an acceptance of this fact. It won't go away, it's an inherent part of the timing and rhythm of the commuting cycle. Management would like to see wide open use of part-time workers, though they are quite happy with the flexibility they currently enjoy which allows part-time workers to be used for summer vacations, sick days, statutory holiday and floaters. Ironically, the trade union was instrumental in initiating the request for part-time operators, a significant fact that is in contra-distinction to the political situation that exists in larger sized transit properties.

The collective agreement was also cited as a fetter on the scheduling



HSR, with an array of modern bending machines, HSR seems poised to continue performing important maintenance functions in-house.

process, i.e., provisions such as overtime to be distributed by seniority. And when that process is exhausted the work can be offered to part-time workers. That is an expressed problem for the employer. There is a frustration that this process complicates operator deployment by forcing an exercise that compels the employer to follow a procedure that they believe wastes their time. The trade union, on the other hand, believe that the distribution is an earned privilege, and to ensure fairness, it is necessary to ensure a scheme is in place which eliminates discrimination and favouritism in the distribution of heavy pieces of work. Secondly, there is a belief that indiscriminate overtime distribution would over a period of time gravitate to part-time operators, which would then cause morale problems with the full-time employees. So when the issue is examined from this perspective, the justification for a seniority based system of overtime distribution, appears valid.



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Performance Management Yardsticks

The HRP consultants found that there has been a strong commitment to live within the constraint of a 50% R/C ratio. Though there has been some concern that perhaps the transit system should have inflated its budget to buffer against pressures to reduce operating expenditures. Management are also regretful that there has been no transit reserve fund established which could have been beneficial during recessionary times.

There is also a recognition that public transit has become more technical i.e., electronic fare boxes. Some of the key indexes that are monitored are passenger volumes, distance of each route, 5 minute platform time, adherence to departure time on the hour and 1/2 hour. It's important that service arrive 5 minutes to the hour and 1/2 hour. One of the problems is that schedules are really tight so that there isn't any contingency built into the travel time. The amount of service that is currently scheduled (vehicle kilometers, revenue kilometers) is at 1986 levels.

Demographics and Ridership Trends

The HRP consultants also found that there was no historical or methodological approach to data analysis until 1992. Within the last year, the transit property initiated a dialogue with the city planning department. Traditionally, transit officials would attend City Council meetings, as part of the regular reporting structure, and that was the extent of

cross communication between city planning and transportation. Transit officials had no real sense of new sub-divisions or land use issues or projects. All of this has changed. Once the Mayor started sitting on the Commission there has been a greater level of communication and perspective in linking transit operations with city operations for planning purposes. There was a period of stagnation and a reliance to stick to the service structure already in place. Part of this laissez-faire approach developed from a belief that once transit patterns were established and geared to the auto and transit it was next to impossible to convert people to public transit.

As a result of more integrated planning between transit and city operations, transit is being scheduled into new areas. Road widths are now reflecting design considerations of buses, which up until recently didn't accommodate 40 ft. buses. Additional problems relate to parking restrictions, since they don't appear to prevent auto commuting in a small community. There has also been a great turn around in recognizing the necessity of marketing and passenger surveys. In fact, recent survey findings have proven to be highly accurate and their validity further verified in subsequent surveys. Because of positive experience with surveys, there is a growing recognition of their importance in the on-going transit planning process.

Operational Implications of These Trends

Transit management had no real hard

data concerning their ridership profile. They were surprised to learn that women were the predominate transit client. Additionally, having data regarding the number of transfers, length of trips, income of riders, number of people in family households, total income, has allowed the transit system to design service geared to community need. As a result of all the studies, it was determined that transit was used most extensively by middle class people. Transit officials were surprised by this revelation, as it clearly had a bearing on the type of service that should be provided and allowed for a focusing of service priorities. This obviously meant that transit planning was for a long time dancing in the dark, and had to now start providing service to residential communities. As well, the new school openings also created new transit pressures. The separate school board asked for transit service, yet were able to attract only 3 students.

Clearly not a positive experience from a cost/benefit perspective.

Fiscal Implications of Ridership on Fare Box and Subsidies

The HRP consultants found that declining ridership and revenue losses from the farebox have had a major impact. For every \$1 lost, it costs the transit property .75 cents. There are also capital projects funded by the Ministry of Transportation that are on hold, but the dollars are allocated. Transit officials argue that this earmarked revenue should be turned into



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operating dollars in the interim.

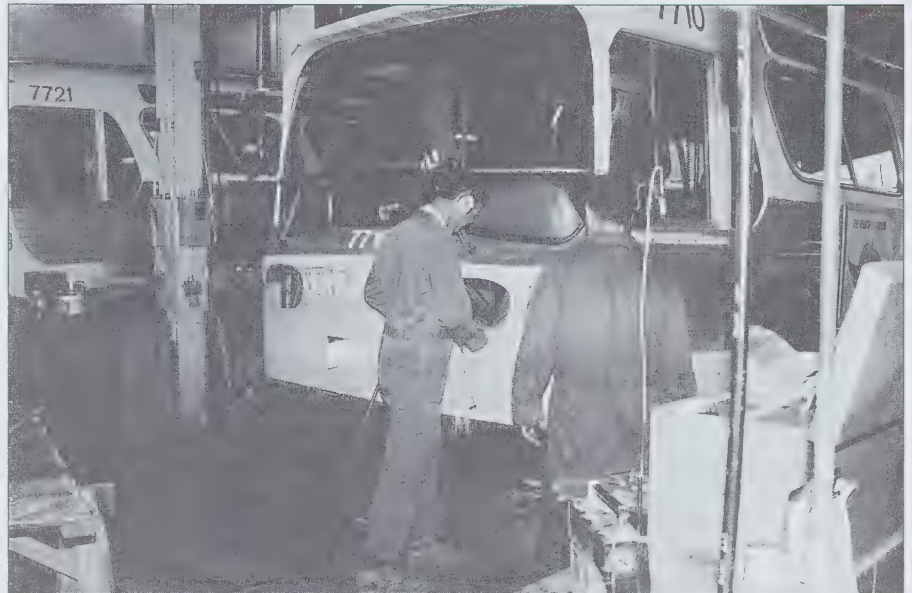
Another concern is that there are no real incentives to down-sizing. There is a belief that if there is a revenue shortfall, and if the transit system cuts \$100,000 from the budget, that this should be considered for matched funding. Clearly, the dynamics of a smaller property which is adjusting service from 1/2 hour to 1 hour service is making a very drastic change. In fact, it may be destructive to transit in the short and long term.

Transit management indicated that the Ministry of Community and Social Services and the Ministry of Education must begin to establish a recognition how their funding policies can be more supportive of local public transit. Currently, recent experience indicates that changes to welfare assistance has cost public transit lost revenue.

Funding of school bus operations in some small to medium sized cities has also duplicated municipal transit operations which have diminished the viability of public transit, and cost them ridership and lost revenue. These issues are not insignificant, touchy feely concerns. They are bread and butter issues which must be debated and resolved by inter-ministerial consultations with external transit stakeholders.

Current and Future Technology and Its Impact on Service

The HRP consultants found a transit property that was quite enthusiastic about electronic farebox technology, because the information that it gener-



OC Transpo, highly conscientious about their image, means that fleet maintenance is a high priority.

ated was important for transit planning purposes. Being able to monitor passenger volume, rider profile (youths, seniors), transfer count, time slice (passenger by hour and category), helps with the loading factor when contemplating appropriate service levels. This has made transit more responsive and targeted to community need.

Transit management feel there is a great need for consolidation between school bus and municipal transit operations. The belief is that there must be a rationalization of school bus operations in urban areas that currently have viable public transit service. One concern is that school boards have a broad latitude in establishing routes and pri-

orities, which may not necessarily be consistent with the level, quality, and coordination concerns of transit planners worried about the integrity and viability of transit from a broader community perspective.

General Comment

The transit system falls under the political purview of a public utility. From the experience of senior transit officials who have worked in a municipal transit department, there is a belief that a more detached administrative model provides significant benefits. One of the benefits cited was a more business orientation, versus a political model susceptible to political tinkering.



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The HRP consultants found that there is a strong belief that privatization does not hold the great promise that advocates purport. With the constraints of the current economic environment, senior transit officials indicated a reluctance to flirt with privatization. They believe that a fundamental question must be asked by the transit property. Are we in the business of making a profit, or do we plow operational efficiencies, or surplus back into service improvements. Because that's the fundamental distinction that must be understood. It's great for the private sector to talk about operating peak service only. What is the private sector going to do with financially weak routes? They are going to experience what Fort Erie Transit did, when they contracted out their service to "Dunn the Mover". That's a scenario that transit officials clearly want no part of.

Transit officials also note that there doesn't appear to be any financial upside to contracting-out or privatizing service. Citing the experience of Niagara Transit and Welland in the late 1970's - it was noted that Welland experimented for 2 years with a private contractor, then reverted their operations back to in-house delivery after the trial period. Some of the rationale for the decision related to the cost and quality of service. There were persistent complaints that service levels were inadequate, and that private operators were driven by other concerns i.e., profit. It was believed that private operators

were inflexible in considering service improvements and reductions as the transit system grows and adapts to external conditions that affect service levels. Secondly, the method of remuneration (paid by kilometers) provided no incentive for private carrier sensitivity to planning and service adjustment issues.

The HRP consultants also learned that there was considerable skepticism regarding the commitment of private contractors in the municipal transit sector. Firstly, some question still lingers why private contractors bailed out in earlier times which then forced the formation of public transit agencies at the community and local level. Local public transit grew out of an abdication of this responsibility in earlier times. Management fears that we are going back to that era by wanting to revisit the role of the private carriers in public transit.

Transit officials also cited the strong political influence that the private carriers have had over municipal and provincial policy in this area. Whenever public transit organizations dabble with broadening charter service or specialized services to the community, this is usually met with fierce political opposition from the OMCA. In fact, St. Catharines was cited as a transit property that opened up charter service to private operators as a result of political pressure. Transit officials have grown weary in getting into turf or jurisdiction wars with the OMCA

because there is a perception, rightly or wrongly, that the private sector has more political influence, than public transit officials or advocates. There's a belief that politicians are inclined to support private carrier scheme's as a way to off-load municipal responsibility for the service.

The HRP consultants also found that transit officials strongly believe that "charter service" should be made part of the municipal family of transit services that the Ministry of Transportation is trying to sell as a concept. Yet, attempts to actualize this has encountered difficulties. For instance, Welland was cited as an example when they couldn't get a License because the Honourable James Snow wouldn't support the public transit system request, due to OMCA political pressure. When a license was purchased for 2 years at \$15,000 the OMCA objected on the basis that a subsidized operator was using a license for charter operations. As a result, there was a OHTB decision which forced the license to be given up (1987). The license was then sold for \$45,000 and now the private carrier has sole charter authority. Transit officials believe that the private sector needs competition in the municipal charter market. And that the public transit industry must approach the government as a group to liberalize the municipal transit environment to allow public transit agencies to enter into charter operations should and if they decide to do.



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TRANSIT PROPERTY #5

Staffing and Scheduling Models

Transit property # 5 is a small sized rural transit property, outside of the Greater Toronto Area. The HRP consultants found that demand for transit service is no longer just an a.m./p.m. (peak) consideration. In fact, there is a sense that the peaks are flattening, and the base ridership (9:30 a.m.-3:30 p.m.) is beginning to strengthen. Transit officials are somewhat happy that there is a trend to smoothing out transit demand between the morning and afternoon peaks.

Whether attributable to size or lack of resources, transit officials don't believe that a complete runcut can be produced on a generic computer program. One of the chief concerns relates to complicated collective agreement language which establishes run-cutting parameters. There is a belief that due to the complexity of rules and regulations, an automated process may cause more aggravation than the problems it solves.

Although the transit property uses manual techniques to schedule and runcut, their primary rationale for utilizing a more laborious process is a belief that the transit property is not large enough to employ state of the art scheduling techniques and equipment. When asked to explain why there was a corporate aversion to scheduling tech-

nology, the HRP consultants were told that staff didn't have time to train and learn the new program while still paralleling the manual process. It was argued that given the relative size of the transit property and complexity of rules and regulations, it is next to impossible to generate 30% of the pieces of work as straight runs. It is believed that staff have acquired an immense sophistication to deliver practical runs without the aid of a computerized scheduling system.

Review Extent of Service Cuts

Transit officials indicated that there has been a 3 year period where ridership has declined and the trend appears to be continuing into the 4th year. It is estimated that ridership has declined by about 25% but appears to be leveling out. Recent decisions by the local Boards of Education, where transportation boundaries and service standards have been modified have also caused an additional decline in transit ridership.

Extent Ridership has Impacted on Service Cuts

In response to declining ridership, the transit system has taken a fairly familiar approach to service adjustment. In particular, routes have been cut, evening service adjusted, increased headways, and a generally reduced number of vehicle kilometers (less rubber on the road). To contrast the actual extent of total service adjustments, total 1987 revenue hours were approximately 85,000 hours. In 1992, the revenue



Mississauga Transit, outside storage, although cheaper, operators complain about warm-up procedures in winter.

hours were approximately 65,000 hours.

There has also been a greater reliance on tinkering with headway intervals. On a number of routes, headways went from 15 minutes to 30 minutes on the base service, but peak service was maintained at a 15 minute headway interval. But, the transit system is now considering a 30 minute all day long headway. At present, City Council dictates and the management committee then establishes the target. Although transit officials find the situation unfortunate, they must still live within politically dictated budget constraints. In addition, the Ministry of Transportation has capped their subsidy, which leaves the transit system in an unfortunate position of coping with rising expenses and a shrinking fiscal pie.

Impact of Split Shifts and Hours of Work

The HRP consultants found that the transit system currently had no spare



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board, and that temporary operators were used to cover for open pieces of work due to sickness and vacation. The trade union tolerates temporary personnel since it affords full-time employees an opportunity to obtain prime vacation periods.

In terms of the impact of budget cuts, full-time operators have been less affected because temporary operators get laid off first. Transit officials also find it increasingly difficult when the peaks rise which creates greater difficulty in crewing the pieces of work. In fact, there is a recognition that meeting the 30% provision in the collective agreement for straight runs is next to impossible to schedule, which causes labour relations problems between the parties.

Performance Management Yardsticks

The HRP consultants found that transit officials closely monitor the R/C cost ratio. Another statistic that is also important is the model shift which is typically represented as the number of trips taken by bus. Recent statistics indicate that the 4% of the community use public transit.

In addition, the transit system indicated that the Region of Waterloo conducts a transit study. As well, service standards are also set by City Council, which stipulate that 90% of the population shall be within 350 meters of a bus stop. Transit officials noted that 4 years ago, 90% of the population fell within the service standards criteria

established by City Council. Of greater significance is the fact, that currently, only 70% of the population now fall within the service standards. In addition, there has also been growth in the region which has further exacerbated the problem. As one transit official noted, service is shrinking, demand is growing, and funds are unavailable to prevent the downward spiral.

Demographics and Ridership Trends

Transit officials indicated that they participate in formal planning meetings with appropriate municipal officials. This has been a regular activity for the last couple of years. Experience to date indicates that these meetings are working very well. In many respects, there was no other option, transit officials had to liaise with municipal officials because there was rapid growth in the community and transit had to be aware of the implications this posed on service planning. Transit officials also recognized the importance of a transit analyst. One of the major projects of the transit analyst is the preparation of a five year plan. Unfortunately, there has been some difficulty in delivering a five year plan.

HRPA consultants were also advised that due to Electronic Fareboxes, transit officials have discovered a discernable pattern that indicates that adult riders are dropping off. Yet on the other hand, seniors and students appear to be a rising ridership sub-group. At present, there is no

provincial assistance to subsidize these individuals.

Operational Implications of These Trends

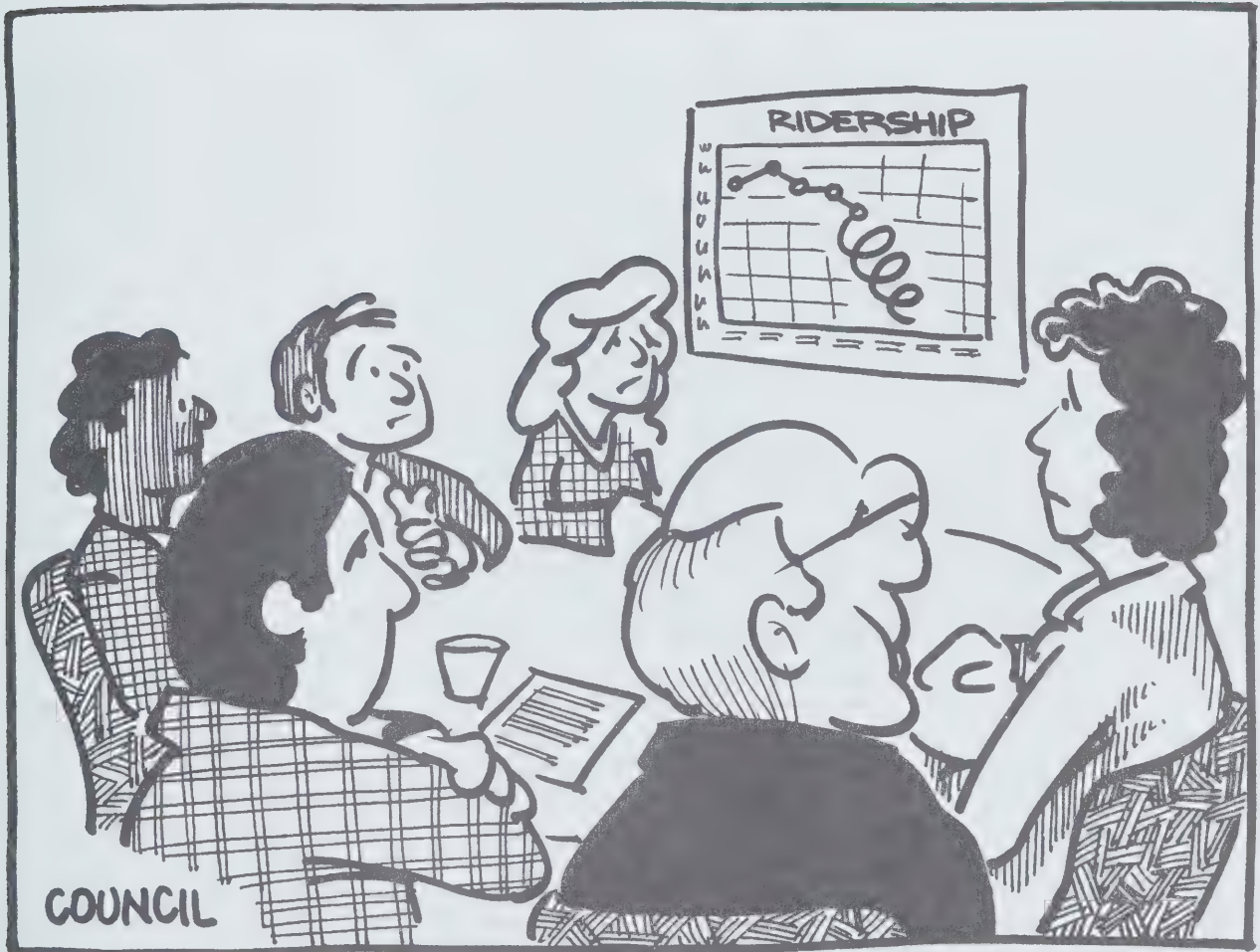
As a result of awareness that seniors are becoming a growing rider sub-group, transit officials recognize the necessity for low-floor buses. Yet, there is also criticism that the Minister of Transportation's decision does not take into account real world financial constraints. One transit official indicated that low-floor buses are killing the transit property. Concerns about one supplier (Flyer) are furthering concerns about market monopoly and supplier reliability of a new technology.

Transit officials also noted that they have tried to reduce procurement peaks and valleys, by developing an aggregate vehicle procurement schedule that levels out the purchasing cycle. There is a belief that a more conservative, but long term vehicle procurement schedule is less costly, and easier to obtain funding and implement. Of additional concern is the fact that low floor buses cost \$40,000 more per vehicle. There is a belief that the Ministry of Transportation's across the board shotgun approach to vehicle procurement policy is rife with difficulty. But more importantly, it was indicated that potential networking by transit properties to bulk buy vehicles would be hampered by the policy. On further inquiry, no rational explanation was provided why the provincial policy requiring low floor buses jeopardizes



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vehicle procurement initiatives where several transit properties pool their orders to obtain discounts.

Fiscal Implications of Ridership on Farebox and Subsidies

The HRP consultants found that declining ridership has resulted in severe service cuts. Transit officials noted that one of the most troublesome

by-products of this environment has been the visibly declining morale of union and management personal. One of the root problems cited was the fact that management and union personal know what things need to be done to maintain or regain lost ridership. Yet there appears to be a visible malaise precipitated by watching all the service being decimated and cut-back, while

knowing in their hearts that by maintaining service on the street is the fundamental way to bring back ridership to pre-recession levels. There is further frustration related to the fact that it will take years to bring service back to levels that were attained before the recession. In addition, bringing service back to pre-recession levels still does not mitigate or take into consideration



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the growth in demand such as new communities and industrial expansion, who have a legitimate expectation of receiving viable public transportation. This clearly creates a conundrum that frustrates transit and union officials.

Current and Future Technology and Its Impact on Service

The HRP consultants found that transit officials are quite eager about technology. In particular, the electronic fareboxes are cited as important planning tools. As well, environmentally friendly, alternative fuel vehicles are being recognized for their cost saving potential.

There is also a growing concern that technology is one side of the coin. The issue concerning friendly courteous service was believed to be a problem, yet there doesn't appear to be a technological fix to this concern. It is believed that front line staff are the ambassador of the transit system, and that riders don't distinguish the transit systems lofty goals of safe courteous service, from the operator. Especially in situations when they have a negative experience with transit. Clearly, having the transit workers highly motivated to say, "good morning, hi how are you" is not a technological problem. But there is a growing recognition that this is just one of many ways transit systems can ensure ridership loyalty.

Transportation Demand Research

The HRP consultants found that census data and related planning infor-

mation obtained from the Waterloo Region were very important. Currently, the Transit Analyst participates in preparing projected forecasts and ridership demographics. It was also indicated that OUTA/CUTA services are also really important and useful to this small transit property.

General Comment

The transit system falls under the Community Services Department. This department is also responsible for parks and recreation, aquatics, cemeteries, forestry, horticulture, seniors, and transit. There is an indication that these sections function independently. They also report to City Council once a year. At present, no members of Council make day to day operating decisions. The Community Services Department is responsible and accountable to the Public Services Committee. From this committee, all transit matters then proceed to Council.

Transit officials indicate that there is a weakness in this service delivery model. In particular, there appears to be a lack of information that Councillors received or are able to digest. Annual transit reports take approximately 2 months to prepare then get lumped in with all the other reports from the department. As a result, public transit does not receive a high profile. Transit is viewed as a social service, and that image is reinforced because of the political linkage to Social Services. Yet, an irony exists because when something goes wrong,

public transit becomes very high profile. In fact, if the transit system had a Commission type structure, politicians would eventually become more familiar with transit issues over a period of time. Yet, when you're part of the municipal structure and process, there is a tendency to get lost in the competing demands of other municipal services. It was also argued that the political dynamics are better for transit in a Commission type model. It was noted that several years earlier there was a consolidation of the transit and traffic services. There is a strong belief that if transit were a stand alone department, public transit would get more political recognition.

The HRP consultants learned that the maintenance services were at one time routinely contracted-out. Over the last several years, transit officials are now diverting more contracted service work back in-house. There is a belief that the transit system is able to get more productivity by performing work in-house ie., bulkheads. One of the chief complaints with external contractors was that the transit property felt it was at the beck and call of the contractors. There was a sense that contractors didn't relate to the operational need for buses to be on the road. In trying to balance these interests, transit officials found that they experienced a loss of control, and service was affected because the transit system had to wait one week for a bus to be repaired and returned. In the final analysis, transit management believe



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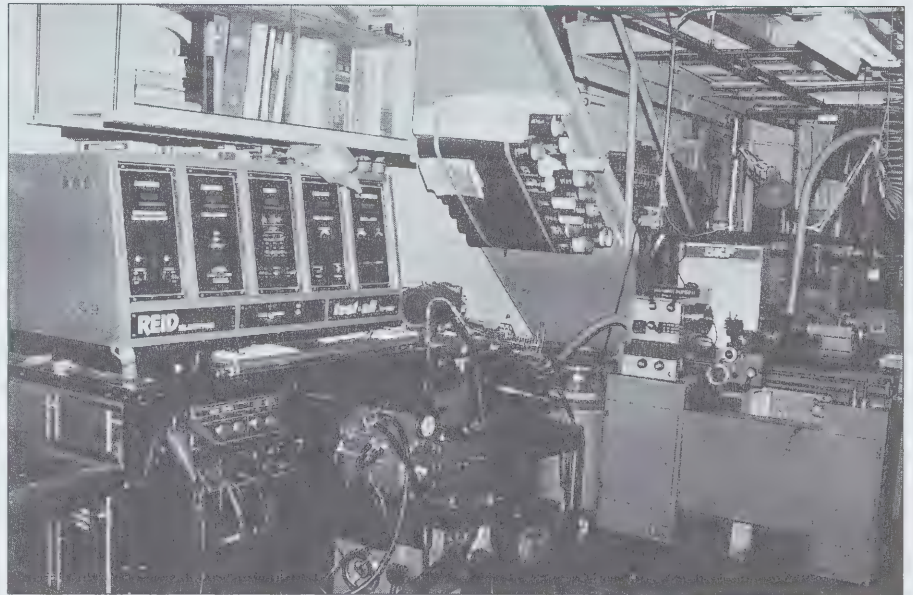
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they have more control and less cost by rebuilding as many of their own transmissions and engines as possible.

When transit officials were asked about the OMCA position concerning contracted services, they replied that they are leery of out-sourcing schemes. In fact, loss of control was cited as the chief concern. In addition, the experience of other transit properties has also contributed to the negative perception of contracting, and Chatham was cited as a municipal transit system that extensively contracted out maintenance work, and have reverted to performing the work in-house. In addition, concern was expressed about the fitness of the bus fleet after a prolonged experience with contractors. Buses were regularly down for repair, and the vehicles were extremely dirty. In fact, it was raised that when you need buses to last 18 years, the investment is too important to risk using inferior maintenance and service programs.

Transit officials also noted that there is only one good example of contracting out. It's in Nassau, where operators wear a shirt and tie and continually smile. The bus stops wherever you want, and all you pay is one fare. Contractors bid on each route, and this is argued to be the best example of a franchised transit system in the world. On the other hand, the approach cannot be imported into the North American context.

It is also recognized that contracting out would cause labour trouble. Yet, the transit system experimented with



OC Transpo, dynameters are common place, and are used to bench test engines, transmissions, alternators, etc.

their handicap operations. In fact, the service strategy was to add taxis. When the handicap service was originally performed in-house there were 6,000 riders per year. Now that additional service is provided by taxis, ridership is approaching 30,000 rides. Currently, there are 2 vans which provide conventional and handicap service. The 2 vans are staffed by bargaining unit employees who are assigned approximately 6,000 trips per year. The rest goes to taxis. Transit officials argue they have saved money, and cite the awards they have won. They also note that a small profit is made, with no municipal subsidy. Clearly, when this is viewed in context, contracting-out can have supporters or

detractors, depending on what service or operation is being out-sourced.

TRANSIT SYSTEM #6

Transit system #6 is medium sized and located just outside the GTA. The HRP consultants found that staff are currently preparing schedules and runcuts manually. In fact, transit officials indicated that they don't like being hostage to a manual process. When asked why the transit property was using an antiquated



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scheduling system. The response was that corporate tradition dictated, and that this had nothing to do with technological phobia. Though computerized scheduling was on the wish list of certain transit officials. It was also indicated that there were operational impediments, namely the radial service design which poses scheduling challenges that may create more problems than it solves.

Transit officials stated that scheduling doesn't look at one run. Because the transit system has a unique service design which requires a scheduling sensitivity that recognizes the domino nature of the service connections. It was also stated that the manual approach gives scheduling an opportunity to tailor the service to specific needs. As well, it was felt that good computer scheduling programs did not necessarily represent a panacea for the scheduling personnel.

Review Extent of Service Cuts

The HRP consultants found that in response to recessionary pressures the transit property cut holiday service. There was also an extensive period of route revisions and an amalgamation of routes. In addition, end of day service reductions were implemented which had the effect of stopping service at 10:30 p.m. as opposed to 12:00 a.m. As well, they also widened headways during the off peak hours. Base ridership has held constant. Total revenue vehicle hours are down from a high of 73,000 in 1990 to 61,000 in 1992. As

well, total vehicle kilometers are down. Transit officials also felt this was a more useful index.

Extent Ridership has Impacted on Service Cuts

In 1990 the transit system had total ridership of approximately 2.6 million, and in 1991 this dropped to 2.5 million, and finally in 1992 this further declined to 2.27 million riders. This has represented approximately a 7% ridership decline. Saturday service has been adjusted from a 30 minute headway into a 60 minute headway (March 1992). There have also been staff cuts and real reduction in total complement. In the final analysis, full-time jobs have been preserved, but the trickle down has caused attrition at the part-time worker end.

Impact of Split Shifts and Hours of Work

The HRP consultants found that the transit property pays workers after 11 hours, time and a half. Management also are keenly aware that there is currently no provision in the collective agreement which requires that a number of runs should be straight runs. That said, the employer always schedules some straights for morale sake, but like the flexibility afforded them by not having their hands tied behind their back by contract language which places minimum obligations on the number of unique runs to be generated by scheduling.

Typically, after runs are cut or

changed, the collective agreement states that the trade union be advised. If they agree with run cut, the trade union sanctions a sign up which is done by seniority. There is a belief that the sign-up is self policing, since seniority is the driving criteria of the bidding process. The trade union and management agree that self interest with respect to workers choosing work assignments by seniority provides the necessary incentive for transit workers to become quite diligent and circumspect regarding their eligibility for certain types of driving assignments. There are also 4 traditional sign-up periods each year and 5 board periods.

Performance Management Yardsticks

The HRP consultants learned that many of the traditional indexes which have been pioneered by the Ministry of Transportation and OUTA/CUTA (operating characteristics) have been used extensively. But there are certain performance management yardsticks which are particularly useful. For instance, total revenue vehicle hours, R/C ratio (slightly more than 50%), riders per capita, and the total gross dollars expended.

Although transit property #6 cites technical indicators as important, transit officials also noted that they are able to keep within budget, which affords transit a good profile among the multiplicity of municipal operating departments. There is also a belief that "not being" the subject of vitriolic



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attacks, protests or demonstrations, has made transit management and politicians somewhat proud that perhaps they are doing something correctly. And they don't want to destroy that momentum.

Demographics and Ridership Trends

Transit officials indicated that there is a conscious exercise to collect census data, ridership profiles, and when this is analyzed there is a concerted effort to identify "who uses transit". This is then factored out on the basis of cost.

The HRP consultants also learned that transit officials have a strong preference to perform planning functions within the transit department, and to not generally allow other municipal departments to perform this kind of analysis. It is believed that this is potentially fraught with difficulty.

On the other hand, by having a central planning section within the municipal operation that coordinates the planning functions necessary in a large city, has also been of great practical assistance. There is a general acceptance that because transit officials interface with the appropriate planning officials that the projections and data tends to be quite accurate. Clearly, by having a central municipal function which coordinates planning, economic development, and transit, has allowed planning to be exercised with greater sophistication. But more importantly, it has brought the dis-

parate pieces of the municipal operation into an overall focus.

The HRP consultants also found that 37% of the ridership is generated by students from the University and that seniors are 19%. The fact that this ridership sub-group is so significant in terms of total ridership calls for a closer examination of the particular travel and commuting habits of students. In fact, the HRP consultants found, after consultation with student representatives concerning their commuting and life style habits, that a greater appreciation must be exercised by transit scheduling to take into account the needs of student riders. Transit service to local bars and pubs was cited as transit's important broader public policy purpose for students and which mitigated against any tendency they had to drink and drive. In fact, the general availability of safe, reliable, and frequent service in the evening was cited as a major deterrent to drinking and driving problem.

Operational Implications of These Trends

Transit officials feel that they get good overall data and technical support. There is also a sense of togetherness, living within and under the municipal umbrella. This facilitates data sharing, tackling issues with the overall municipal interest in perspective, with a view to shared goals and objectives. It is believed that this makes decision making qualitatively better.

As a result of this linking-up with

the other partners within the municipality, there is a crystal clear understanding that the population is aging, manufacturing is decreasing, and the service industry is picking up (tourism). There is also a clear understanding that transit service is not a community service for the poor.

Fiscal Implications of Ridership on Farebox and Subsidies

The HRP consultants found that transit officials have learned to work smarter and with less. They are also sensitive to the cost of fares, because when fare box revenue goes down, fares rise. As well, service adjustments that have been made offset revenue pressures. The trade union has also played a vital role in this process by making operational concessions to relieve some of the financial burden the transit system is experiencing. As a result, there is a general belief that equality of sacrifice has been the hallmark in the way transit management administer the transit system. Management has been careful to ensure that they are as lean as possible so that no criticism can be levelled that all the sacrifices have been made by the trade union. Whether this is leadership by example, or shrewd management, clearly points to an awareness that management has to practice what it dishes out to the bargaining unit.

Current and Future Technology and Its Impact on Service

The HRP consultants found that the



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transit system has electronic fareboxes and magnetic passes which have all been supported by Ministry of Transportation subsidy. There is also some potential to have AVL installed so that transit officials can tell where vehicles are and to respond to public inquiries regarding service. There is a belief that this transit technology clearly assists the discretionary transit rider to rely on transit, as opposed to the traditional and outdated posted transit schedules. By having real time information, there is a confidence level associated by a live voice telling riders that a bus will be arriving at your stop at 8:02 p.m.. The current approach is not dynamic and seen as a liability.

There is also an awareness that alternate fuels are cheaper and less expensive. Currently, transit officials are investigating CNG (compressed natural gas) vehicles.

Transportation Demand Research

The HRP consultants found that transit officials believe that ridership will start to return if transit management and the trade union work smarter. But there is a noted skepticism when the transportation demand data paints a different reality concerning the health of the local economy. In fact, transit officials believe that ridership will post slow incremental growth, and will not be as dynamic as it was in the 1980's.

General Comment

The HRP consultants were advised

that the existing service delivery model is a transit department that is part of Utility Services. The Utility Service Department includes engineering, environmental waste, public works, and the building department. It is argued that no political liability exists with this model. Coordination is the name of the game and the entire municipality appears well serviced by this approach. There is also a greater sense of political accountability in that parking, traffic engineering, municipal airport, are accountable to transit planning.

In terms of the operational implications of this approach, it is believed that the operations are more cost productive, because services are shared with public works. For instance, there is cost sharing of driver training throughout the municipal organization, and the sharing of mechanics and maintenance personnel between other municipal operations and transit. It is argued that this approach provides more continuity and perspective among the different municipal operations. Senior transit officials admit to the difficulty of juggling 4 portfolio's, yet the flip side is that there is greater inter-departmental continuity. There is also a belief that transit isn't a social service, but operates as a business. In fact, transit officials indicate that there is always some jurisdictional friction between civic workers and transit workers. This was also echoed by the trade unions involved. Yet the chief reason that this model of municipal transit is favoured is the belief that issues such as: bus

bays, signal priorities, and location of bus stops get dealt with on a coordinated basis. Clearly, there is a tendency to balance the competing municipal interests much better.

Yet issues such as the joint fleet management plan caused many problems and consternation initially. Now, a mechanic is a mechanic and is deployed throughout the civic organization. Similar sharing and coordination exists between legal, personnel, accounting and treasury.

One of the important spin-offs of this high level of municipal services integration results in less duplication of operations. With corporate policy across all departmental lines, this contributes to efficiency. Additional benefits to integrating departmental elements also minimizes frictions between the different areas.

Transit officials indicated that transit service was initially contracted-out 15 years ago, but then transit service was brought in-house. Although management is always looking at possibilities to save money. In fact, it was stated that Brian Crowe and the OMCA are promoting privatization. This could be service contracted out system wide or new service expansion. That appears quite possible. There is a belief that there are models of contracted services in Vaughan and Ajax that are beacons of efficiency and the future of private sector's role in public transit.

Transit officials do not hide the fact that they will enter into any variety of schemes promoted by the OMCA. Yet



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the HRP consultants found that all vehicle maintenance was done in-house, although some shelter cleaning was going to be contracted-out. Further, it was noted that if bus shelter maintenance was contracted out, it would be competitively bid by the private sector. The HRP consultants believed that there was a natural presumption that bidding would be limited to private interests. One of the factors which will now mitigate against this restrictive bidding policy is the effect of the Municipal Sector Social Contract Agreement which speaks to the participation of the public sector in the bidding process. Either trade union and or departmentally driven. It was also noted that there is a limited no contracting-out provision in the transit collective agreement. Though the collective agreement expressly speaks to a limitation that "work customarily performed by the bargaining unit shall not be performed by other employees". Transit management believe that any new routes and services would fall outside that limitation, and could arguably be contracted-out. In other words, the collective agreement demarcates work presently performed, with no consideration of future service expansion.

The HRP consultants were told that companies which secure public tenders under write the potential liability they assume should they incur a loss. Presumably this helps the municipality. Secondly, transit officials cited the presumable benefits that competitive bidding provides. And it was argued that

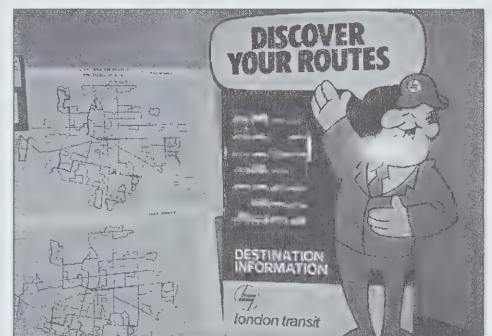
if the contracting-out experience proved negative that support for it would be short lived and the bubble would burst.

Transit officials believed that contracting-out had potential impacts on the labour force as well as operational implications for the municipal sector. For instance, concern was expressed that in order to ensure continuity, any new privately contracted routes would have to be integrated into the transit system as though it were a natural extension of the existing system.

Secondly, concern was also expressed that there may be some difficulty in assimilating the external operator into the transit system. That appears to be a logistical incumbrance with private contracting on a limited run basis. Further, there is also a belief that effective ownership and control of the transit system diminishes in a privately run transit operation (either in part or whole).

On the other hand, transit officials feel that in the overall interests of efficiency, route and scheduling changes could be made more indiscriminately under a privately run scheme, without fear of trade union political reprisals. Yet in contra-distinction, if someone said cut transit under the current municipally delivered system - because certain routes were not performing financially, workers would revolt. Transit officials indicated that they would be driven by concerns such as infringements of the collective agreement, morale, attitude, plus a concern

for staff. Management appears quite aware that these organizational burdens are relieved to some extent in a private contractor scenario. In addition, awareness exists concerning a political symbiosis between the contractor and



London Transit, solid attempt made to re-educate public and employees on changes to the service.

the public agency which contracts the service. Comments to the effect that public administration has to be married to the contractor speaks to a level of integration which poses interesting ethical, as well as operational considerations for the transit industry as a whole.

TRANSIT PROPERTY #7

Transit property #7 is a small sized transit system adjacent to Metro Toronto. Senior transit officials cited the need for transit planners to have good direct marketing skills. In addi-



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TTC, brake laths are state of art, and operators argue that excess capacity exists to service other transit properties.

tion, it was noted that the transit property received a CTI Award (Centre for Transit Improvement) for financial management (R/C ratio).

On an annual basis, 600,000 rides originating within the municipal jurisdiction link-up with GO Transit. As well, students as a ridership sub-group comprise an additional 558,000 rides per year. The HRP consultants were told of the necessity for more cross boundary connections, and that an insufficient mandate with respect to integrated fares and scheduling are impeding the viability of public transit in the Durham Region. Smart Card technology was also cited as a solution

to cross boundary fare collection issues, because Smart Card leaves an audit trail which can then be used to reconcile any financial issues related to cross boundary ridership.

The HRP consultants also learned that although there is a strong recognition of the importance of scheduling software, and that transit properties such as GO Transit and Mississauga use Trapeze, and Burlington uses UMA; transit officials stated that they currently runcut manually.

In addition, it was noted that some cross boundary issues are also determined by the Ontario Highway Transport Board (O.H.T.B.). Transit

officials noted that they believe that there is a strong potential municipal market for charter services. The transit property previously applied for a P.V. (Public Vehicle) license to provide cross boundary service between Ajax and Whitby. As a result, transit officials learned that there was O.H.T.B. jurisprudence that limited or placed a fetter on the scope of their municipal operations. Part of the rationale relates to the monopolistic rights that municipal transit systems enjoy within their own jurisdiction, so that whenever a transit property wishes to cross its municipal boundary, then a ruling from the O.H.T.B is required to authorize cross boarder service.

Transit officials also note that small sized transit properties should internalize as many of their operations to benefit from the operational efficiencies that result, as opposed to contracting out as many operations as possible. Consequently, there is a strong belief that the disabled market place should be serviced strictly by municipal transit operators. The underlying belief is that "public transit" deals with service, not some myopic profitability fixation. It is believed that public transit should have a wide latitude to develop and solicit new markets. Whether extensions to the existing municipal service, or unique charter services, or specialized ambulatory care, municipal transit must remain the focal point in the "family of services" concept that is being promoted.

The HRP consultants also found that transit officials have a unique



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approach to transit labour relations. In fact, some officials came through the ranks of the TTC and consequently have some strong aversions to the corporate model that they experienced and were part of at the TTC. This has led to a strong desire to change the corporate structure to promote intimacy among the various operational areas of the transit system. This may be attributable to the small size of the transit system which facilitates this cozy corporate environment versus the impersonalized nature of an organization the size of the TTC. There is also a belief that because transit officials exhibit a different management style, not so confrontational, then perhaps there is no need for a trade union, but an employee association. This is an issue which the HRP consultants found may present some difficulty when the Transit Integration Task Force begins to investigate the various service integration scenarios between the TTC and adjacent transit properties. From a labour relations perspective, ATU Local 113 has indicated that any "non-union carrier" incursion into TTC

jurisdiction may result in a work refusal.

In terms of productivity, transit officials state they can taste and smell if there are too many buses in the garage, or not enough service on the street. Management believe that the next generation of transit management must be more progressive believing that the job of management is to motivate people at work, not create chaos and animosity.

Part of the new management style requires a high visibility of senior officials in the workplace where open accessibility is the hallmark. This is in stark contrast to the findings of the HRP Consultants, where many of the workers consulted indicated on numerous occasions that senior management are seldom seen or recognized. Contrasting these statements, many transit officials thought they were connected and visible within the organization contrary to employee perceptions.

The HRP consultants learned that transit management consult extensively with front line personnel who are responsible for using the equipment, whenever there is a decision to pur-

chase new equipment. This is also contrasted from situations that were reported in other transit jurisdictions.

Transit officials also felt strongly about getting away from the disciplinary 1,2,3, and out rule. One of the chief concerns about this approach was a belief that this disciplinary model doesn't necessarily change or modify the behaviour of the employee. In fact, strict regimentation in the disciplinary process may cause attitude retrenchment, on the part of management and the employee. Transit officials believe the key to the discipline process should be to motivate the employee to change an attitude or behaviour. But if the management attitude is equally insensitive and inhumane, then the entire disciplinary process is strictly a punishment driven system devoid of positive motivation. This is an issue which has been raised with considerable frequency during the HRP Steering Committee sessions with respect to the state of labour relations in Ontario Transit.



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LABOUR RELATIONS IN ONTARIO PUBLIC TRANSIT





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LABOUR RELATIONS IN ONTARIO PUBLIC TRANSIT

One of the most fundamental and pressing issues facing Ontario Public Transit is the current state of labour relations. No study or review has really tapped into the trade union perspective with respect to labour relations and the “how, why, and where” do we go from here.

The HRP consultants canvassed and interviewed 50 public transit trade unions officials with respect to their views on the multiplicity of issues affecting the trade union at a local level, as well as some of the issues which are industry wide concerns.

One of the initial beliefs when the HRP study commenced was that the level of sophistication on the part of the trade union leadership was perhaps an area of investigation, which may or may not have been responsible for the current labour relations situation. After a thorough review, the HRP consultants are now of the view that the level and quality of trade union leadership is in fact at a fairly professional level. Equally important, there is also a diversity and difference in respect to the political style of the various trade union leadership, which also manifests itself by different trade union administrative styles. In other words, some locals unions whether as a result of financial resources or philosophical belief provide different approaches to the administration of a local trade union and the various issues in which they must represent their members.

This is significant because local union responses to the same transit

issue may vary significantly because of the different political culture of the local union involved. The resources available to transit local unions varies widely depending on their size. In fact, a general observation has been made that the smaller transit local unions possess some of the most talented trade union leadership in Ontario. Unfortunately, this brain trust is less likely to participate to the degree that larger and better financed transit unions do. It appears that in many transit properties the trade union is not participating as fully in the operational affairs of the transit system, whether internally, or externally through the political process. In fact, there is a growing experience, that at certain properties, transit officials do not want the trade union to meaningfully participate in political debates, but instead, want the trade union to exist at a operational level i.e., management/union consultation, outside the political arena.

The HRP consultants have from the outset been extremely sensitive that Labour Relations in public transit must develop a more positive and less adversarial approach to management union relations. Whether this achievement will remain elusive depends on whether or not the parties can rise above traditional and antiquated notions that are predicated on a union versus management mentality. The social contract negotiations clearly demonstrated that the Amalgamated Transit Union is perhaps one of the most rationale public sector unions

(transit). In fact, the ATU's performance during the social contract exercise has demonstrated that the ATU at both a national and local union level is an extremely pragmatic and transit oriented trade union. When one considers the complexity and political sensitivity of the Social Contract exercise, it appears that the ATU proved itself more than capable of grappling with change, concessions, and protecting the viability of public transit. This is the kind of responsible trade unionism that is part of the day to day labour relations fabric in Ontario Public Transit. So the question that must be asked is, where has labour relations gone wrong, and what are we doing in our day to day labour relations practices which has poisoned the potential for more cooperative relationships? That will be the focus of this section. But before we get to that part of our analysis, we first want to review the results of 5 in depth reviews which the HRP consultants feel are the best reflection of the views and comments heard during the numerous interviews.

ONTARIO PERSPECTIVE

— KEN FOSTER

Mr. Ken Foster is the Canadian Director of the Amalgamated Transit Union Canadian Council. He has been responsible for the affairs of



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the ATU on a national basis since 1983, and was one of the chief architect's responsible for the creation of the national ATU governing council. In fact, Mr. Ken Foster was originally from Winnipeg, Manitoba and held various union positions (shop steward, chief steward, recording secretary), and successfully negotiated 4 collective agreements. In addition, Mr. Foster was also a full-time operator and part-time union officer from 1971-83.

1. In terms of the various trade unions involved in Ontario public transit, CBRT, CUPE, and IBEW currently enjoy a limited presence with some small municipalities. One of the chief concerns for the ATU is that the transit industry should have less balkanization of bargaining unit representatives. Transit properties with more than 1 bargaining agent clearly have problems in situations where there is a need to move workers between maintenance, operations and administration. Experience has shown that with the exception of the ATU, other unions in the transit industry do not really have the diversity, presence or understanding of the unique issues facing the transit industry. Some transit officials recognize that the ATU has the most experience and understands the unique nature of the transit industry which makes the administration of transit a much easier exercise.

The HRP consultants were also told that there is a lack of communication between union leadership and

members. Another concern raised is that trade union representatives forget where they came from. Also, trade unions are functioning in different political times, where they are called upon to serve different purposes today contrasted with their traditional role.

An initial concern raised related to the "traditional style" of some trade union and transit management officials and an inability to adapt to a changing environment. One of the shortcomings of the democratic process of trade unions is that union candidates promise to deliver major reforms to the administration of the trade union, but when elected are distrustful of individuals whom they must rely on to facilitate change. Perhaps this is a dichotomy of democracy. In addition, transit union officials must begin to develop clearly defined political action programs, or strategic plans once they are elected. It is important for transit trade unions to identify a strategic plan.

Unfortunately, some transit union leadership are reluctant to stick to a strategic plan. It has also been expressed that transit workers are becoming more and more reluctant to volunteer in the operations of the trade unions affairs. As a result, every transit union is confronted with the "lost time issue". In fact, transit union activists believe that we have entered an era where people get involved because of the monetary rewards, versus a commitment to a cause or issue.

2. As a rule, the Ontario transit indus-

try does not have much experience with operators and maintenance employees belonging to different bargaining units. Though, as an extension to this issue, is the fact that there are internal divisions between operators and maintenance personnel within the same bargaining unit. This appears quite uniform across all transit properties. In terms of the pattern setters in local union negotiations, this tends to be the operators, who because of their size and numbers, drive the process. On the other hand, lack of involvement by operators and maintenance union members also places a drag on which constituent group drives labour relations. Union politics in the transit industry is also very important but difficult to read. Transit workers have a disillusionment with the political system, and a tendency to be cynical. This has a lot to do with watching the progress that has been made in collective bargaining the last 7 years evaporate.

3. The ATU considers public transit to be an essential service, not in the sense that workers should be legislated back to work in a strike, but in the sense that service has to be supported by taxpayers, and that it must be provided. In fact, the ATU strongly believes that transit is as essential as police and fire. In fact, the ATU is not so interested who's at the top of the public services pyramid, as long as transit services are provided and are seen as important to the community interest.



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LOW FLOOR BUSES

4. In terms of bargaining team composition, there is usually equal representation from operator and maintenance groups, as well as the table officers of the trade union. It should be noted, the local union has the authority to decide the bargaining team composition or whatever combination that works. A key question that often faces transit management and public officials

is who makes the key trade union decisions prior to and during negotiations. One of the troublesome aspects of collective bargaining for employers is the fact that the trade union operates on the basis of a collective. Hence the term collective bargaining. There is also some confusion regarding the role played by the International and National structures of the ATU. In

fact, they play no role in setting demands, and there is a strong belief by the International Vice Presidents and the Canadian Director that they should not be part of this important local union decision. Though they are available for guidance and consultation. The ATU has attempted, because they are municipally based, establishing uniform or pattern bargaining tactics. In



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retrospect, whether as a result of a lack of overall coordination or some other factor, pattern bargaining hasn't become a regular feature in transit bargaining. Though senior ATU officials believe that there should be a concerted PEL (paid education leave) provision negotiated by the transit industry and the ATU. This would be beneficial for both parties.

5. One of the problems experienced in local transit union negotiations is the role local politics plays, which manifests itself in two ways. Local union internal politics, and local municipal politics. With respect to local union politics and its impact on collective bargaining, there has been a history where certain trade union officials have been eaten by the internal divisions within the trade union. The list of possible reasons why this might happen are too lengthy to list here. Perhaps the simplest explanation is that trade union leadership are faced with 2 dilemma. The first is to get elected, and that may entail certain commitments to their membership. The second is to service the members to the best of their ability. Whether parties wish to attack or criticize the internal trade union dynamics is not really a meaningful debate. That is the nature of the beast.

In some instances, trade unions have been known to circumvent normal bargaining channels with direct appeals to politicians. These situations are usually a result of ATU locals dealing with individuals in collective bar-

gaining who have no authority to make decisions. Thus, the ATU feels compelled to circumvent normal channels and make direct appeals to a Mayor, Commissioners, and the Province. In fact the ATU will continue to take this tact, because they are forced to in many instances.

6. The majority of transit collective agreements have been freely negotiated, though any tendency to look at provincial statistics might prove misleading. The ATU believes that when statistics are factored which include Toronto's lost person days due to labour disputes etc. - the numbers will be skewed because of Toronto's disproportionate size in relation to the whole of Ontario public transit.

The HRP consultants found that some of the key issues that remain at the point of impasse are typically the proposals for part-time workers, monetary matters, concessions (employer driven), working conditions, hours of work, spreads, and premium issues. And in situations where labour disputes (strikes) have occurred, they tend to be lengthy (Windsor, Brampton). Toronto appears to be unique in terms of duration of a labour dispute. There is a growing consensus that once the wheels are in motion for a labour showdown between Local 113 and the TTC, there appears to be a recognition to give Toronto transit workers an opportunity to blow off steam, then legislate. Although, the experience in other Ontario transit jurisdictions indicates

that if a strike lasts longer than 1 week, history has shown that it will be a long strike. There is a belief that transit employers benefit by prolonging the strike since this may generate financial savings. Though no real data has been presented which supports that notion. Some ATU officials have also become more circumspect about the strike threat, and whether or not this is an effective union sanction in transit bargaining. In fact, the strike option is exercised with the greatest of caution and sensitivity to the implications that this has on ridership and their members. The consensus of the ATU appears to be that the public and politicians only care about the "strike issue" when they are faced with a labour dispute. Otherwise, it's a non-issue on the public agenda. More importantly, without a strike option, transit unions would have no leverage without it. They would get zero from their employers. The strike sanction is also used as a wake-up call to ensure the politicians are listening. The ATU realizes that politicians are also susceptible and concerned about their own electoral prospects, and a transit strike can usually prove detrimental not only to riders, but to the continued electability of certain politicians that may have an important role in transit negotiations.

7. The ATU has been concerned for a considerable period of time with respect to the methods used to resolve transit labour disputes, this includes collective bargaining issues, as well as





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grievances. The ATU believes that if they could get an individual who understands the transit industry, perhaps the union and management could get a better shake. The ATU has formally approached CUTA about the possibility of establishing an industry wide list of arbitrators. Going one step further, the transit industry should establish an arbitration board or structure that hears the problems and concerns of the industry. The Canadian Railway Office of Arbitration was a model frequently cited, and has been the subject of a report prepared by the HRP consultants to be used in the task force on labour relations mandated by the Municipal Sector Social Contract.

8. In terms of the "appropriate method" of impasse resolution for contract disputes, the ATU has always offered binding arbitration. But frequently it is transit employers who say "no". The ATU believes that they can justify their position on any number of issues before an arbitrator. ATU Local 113 is frequently cited as an example where they get arbitrators that understand the industry.

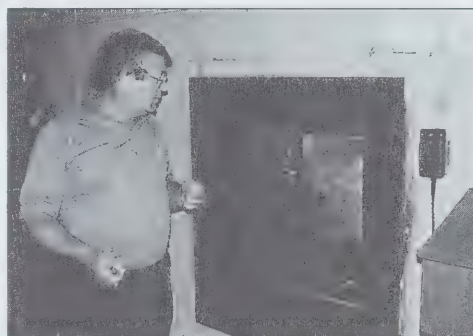
There is also a growing awareness that natural justice arguments may no longer work in the trade union's favour anymore. Historically, the ATU could convince arbitrators of a social/economic need, but this appears to be changing. Another concern is that most agreements do not have a COLA, and the one's that do, don't trigger or have a cap

which makes them dormant. On closer examination, the COLA formulas that are in place are predicated on early 1980's high inflation assumptions.

On the issue of binding arbitration at collective bargaining impasse, most ATU locals offer arbitration, but there is a belief that the public doesn't understand the process. In fact, the ATU consistently advocates arbitration as a resolution to impasse, but that transit employers refuse causing the ATU to believe that transit employers can't win their case with an impartial arbitrator. Whether this assumption is correct or invalid is not material. That is the perception. Another concern raised is that employer representatives involved in collective bargaining tend to filter the bargaining status and options to decision makers and politicians. Consequently, senior decisions makers may not be given sufficient, and unfiltered information concerning the bargaining status.

Some concern was also raised concerning the reliance on arbitration, and that this might lead to a situation experienced in the hospital sector where interest arbitration became a substitute for real collective bargaining ("narcotic" effect). The ATU indicated that they have a culture of free collective bargaining and argued that this would mitigate against any tendency to rely on arbitration as a substitute to free collective bargaining. In terms of mediation, transit unions believe that it has worked well, though some concern was expressed that it's exercised too soon at

bargaining, and that transit management call for mediation before the amount of issues on the table are nar-



Peterborough Transit, union president Doug Haffie demonstrates security system for fareboxes.

rowed down. A growing consensus appears to have formed that transit management are guilty of frustrating early bargaining, and then call for a referee. There is also a view that union negotiators are relatively competent, know the issues, and have a better insight into the process, politics, etc. Some concern was raised that certain transit management are isolated from the transit organization or issues, whereas the trade union has issues on the table resulting from experience in dealing with a member or first hand experience.

9. The HRP consultants also found out that the cost of arbitration also has a chilling effect on the willingness to litigate. Clearly, there is a belief that the cost of arbitration, as currently structured on an ad hoc local by local



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basis, is a deterrent. There is also a belief that the current arbitration process is becoming too complicated, and forces the parties to become more reliant on lawyers and consultants. There is also a growing belief that transit unions are having more difficulty with internal corporate barriers, procedures, and policies. More importantly, transit unions believe that transit employers have a good sense of the financial viability of local unions. This awareness can lead to a situation where the local union is taken to the wall and forced to arbitrate an issue, and in the final analysis, the local union must tax their members additional monies to pay for costly arbitration proceedings. (If true, this is serious mischief.)

10. When the transit industry is examined from its labour relations image, public perceptions regarding transit worker militancy appear forged from those rare instances of labour strife and media coverage. The HRP consultants wanted to find out whether the public perception corresponds with reality. Through a survey, the HRP consultants found that most transit workers are middle of the road. If 5 represents militant, and 1 nonmilitant, transit workers see themselves as occupying the middle ground. Though this strongly depends on the issue. Local 113 recently had in excess of a 80% strike vote on a job security issue; that tells you something. There is also a growing recognition that transit workers are a little worried about the current economic crisis.

Transit workers are also fully aware that recent social contract talks were not the result of a concession happy union leadership, but the will of the Ontario government. On the other hand, union leadership are frequently portrayed as reckless and irresponsible when faced with an impasse in negotiations. In fact, any objective measure of talent would demonstrate that transit unions, in the main have capable leadership who are not afraid to use the ultimate sanction, if necessary. The local union leadership is sophisticated enough to explore other options, and will only pull the plug as a last resort. This reality may strongly conflict with general public perceptions of trade union leadership being out of touch and insensitive to the interests of the community. Nothing could be farther from the truth.

11. One of the hidden dynamics in Ontario transit labour relations is the issue of who is the pattern setter in municipal negotiations. In some instances, transit may be the lead contract, which depends on the anniversary dates and expiration of collective agreements. On the other hand, many transit agreements expire after corresponding municipal agreements have been ratified. Once the municipal pattern is set, transit usually follows suite. At one time, transit unions looked to police and fire settlements. Not anymore. This may have had something to do with police/fire using interest arbitration. But whatever the reason, transit unions are now more inclined to look to

other transit properties as comparators. There is also a historical relationship between transit properties, GO Transit being at parity with TTC, or Mississauga and London having a historical dollar spread in maximum pay categories.

12. No issue has caused more consternation than the 3 year wage freeze and concessions that the Social Contract extracted from transit unions. In effect, the monetary issue will not be a concern for the next 3 years. But after this period, there is a belief that there will be an adjustment period. Call it catch-up or whatever, there is going to be a pent-up demand to negotiate wages. Of further concern is the potential likelihood of another Ontario government which would either continue the wage freezes, or limit wages increases legislatively. Further concern is that public transit might be designated an essential service, under a regime similar to the Quebec Essential Services Law which mandated Montreal transit an essential service when ambulances couldn't get to calls during a transit strike.

13. The HRP consultants have reviewed suggestions that the level of work rule provisions common in public transit take away from management's hands the ability to make decisions which promote efficiency. Transit unions have voiced concern that these statements are without foundation. There is a belief that these types of comments are an excuse for inefficient

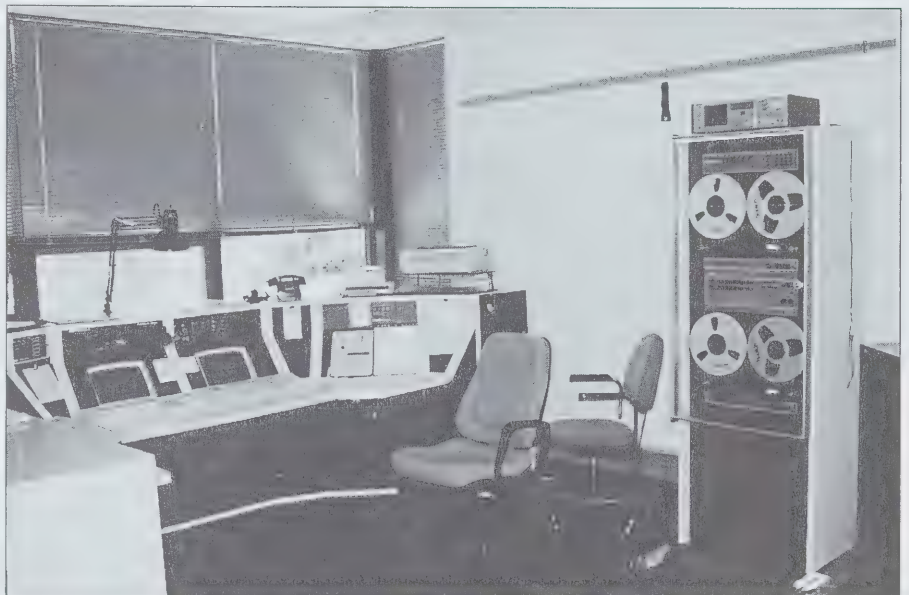


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management. Further, no one has taken away management rights. In fact, transit unions believe that if you go back in history working conditions have not changed that much i.e., hours of work, split shifts, etc. Though the remuneration has changed. The HRP consultants have conducted comparisons between industrial working conditions and the transit industry. The findings indicate that transit workers spend on average more hours at work per shift than their industrial counterparts. As well, transit workers spend less time at home, and more time at work. This contrasts sharply from other industrial and governmental employees who have less total time commitment to their employers or industry.

In terms of whether or not certain contract provisions are problematic, this really depends on the size of the property, since there are different economic realities in play. The ability to comply with contract provision X may ultimately vary from transit to transit property. In terms of whether non-productive hours can be reduced, there is probably some potential adjustment in this area, though many transit properties cannot find anymore fat in their system's. More importantly, transit rules and regulations are seen as sacrosanct by transit unions. Transit unions also believe that they have to be efficient, and find that the frequently thrown around productivity measurements can be deceiving. Transit unions also note that the nature of the



Mississauga Transit, transit control centre.

industry is fairly uniform, and that the characteristics of the industry are addressed to a large degree by the working conditions which have been freely negotiated in many instances for over 50 years, and in other locations approaching 100 years. As a result, contract provisions in the collective agreements represent incremental change that has occurred in the transit industry over decades, and in some instances, a century. Clearly, the bundle of working conditions have evolved over time and are a reflection of mature bargaining relationships and trade-offs made between the parties.

14. Another area of concern for the transit trade unions is that legislated

issues shouldn't be subject to local negotiation in an attempt to minimize legislative protections provided for by statute. Issues such as health and safety and pay equity have become frequent friction points in collective bargaining to the point that attempts have been made to place provisions in collective agreements that undermine the spirit of the legislation, thus minimizing its impact. The HRP consultants found that certain transit employers are trying to minimize legislative impacts, by not working in the spirit of the law. These breaches are becoming increasingly more familiar, and appear precipitated by general employer frustration with administering social legislation (pay equity,



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health and safety, employment equity) that is becoming increasingly more complex, expensive, and difficult to negotiate with trade unions.



HSR, the upholstery department is continually busy with running repairs, as well as total refurbishing of interiors.

15. In terms of new issues that have appeared in recent years, transit unions have been confronted with the demand for more concessions, within a general concession bargaining environment. Also, the types of issues appearing more frequently are changes in the types of benefit packages being negotiated, health and safety, reductions in overtime, extending hours of work, Pay Equity, Unemployment Insurance, and Worker's Compensation. As Ken Foster noted, everything is being challenged. There is also a recognition that transit management are more reliant on outside consultants, even originating from the United States.

16. The future of labour relations is manifesting itself in two fundamental

ways. The participation of trade unions at a variety of decision making levels, and the liberalization of information sharing. Some transit properties have a more progressive approach to union input, and this is contrasted by other transit properties that subscribe to a more traditional adversarial model.

Transit trade unions have expressed unanimity regarding union leadership meeting a minimum of twice a year with the general manager, commissioners, politicians to discuss what's going on in transit. There must be openness and sharing of information. In addition, a number of transit unions expressed support for a better arbitration model. Small transit unions can't afford access to traditional arbitration which is really denying their members "natural justice". It was suggested that the transit industry have one or two people who are picked for a 3 year term. These individuals would hear the grievances with jointly established procedures and protocol regarding timelines, dates, issuance of awards, funded by the transit industry parties. The preferred model was the Canadian Railway Office of Arbitration.

Another area of concern is the issue of mediation and conciliation services. Transit unions have become increasingly alarmed at the constantly changing rotation of Ministry of Labour neutrals who have no real understanding of the industry. There is a fairly uniform consensus that the Ministry of Labour must begin to assign mediators and conciliators who have experience with

the transit industry. It appears that the big transit locals get more consideration in this regard, but also believe that a dedicated group must be earmarked by the Ministry of Labour to assist in resolving the unique issues of the transit industry.

17. In terms of the ethnicity of the transit workforce, there is a broad recognition among transit unions that this has changed substantially. Transit unions also recognize a shift to more enlightened transit hiring practices (more open and accessible). Many transit unions complained about lower hiring standards in 1960's, compared to the 1950's. The belief is that when the transit industry relaxed the hiring standards in the 1960's that this caused long term problems. Now the pendulum has shifted the other way. The transit industry has now taken steps to remedy the problem by raising the hiring standards. This increased emphasis on credentials has also manifested itself in various pre-employment screening activities that attempt to determine whether prospective employees have the right psychological profile in order to provide polite and courteous service.

18. Transit unions also realize that the ethnic question looms in every workplace. Ethnic sub-groups have become recognized communities within the workplace and union. There is also an awareness that transit unions must learn to deal with the ethnic component of their membership. Communi-



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cation structures must be developed which facilitates union communication across the linguistic barriers that currently exist in many large transit unions, where the official and only language of the union is "English". Though a limited and noted exception exists in ATU Local 279 who have French bilingual union officials. And Local 113 who have bilingual Italian and Portuguese union officials. Even in light of these cultural checks and balances, there still exists a cultural alienation that must be addressed by transit employers and unions by systematically reassessing their internal communication structures and developing a strategic plan to address how to communicate with the ethnic workforce and membership.

19. The ethnic issue also has implications on bargaining. The implementation of Employment Equity and a requirement to hire designated groups will impact on seniority by favouring disadvantaged groups. This will become a friction point in labour relations. Within the many transit unions there is a black, latino, and women's caucus. The ATU encourages the formation of these groups and values the important role they play within the trade union. Transit unions noted that there has been a shift in the composition of the work place, with women becoming more visible. Though this has not changed the traditional nature, dynamics or issues between management and transit unions. The transit unions

noted that women have unique needs, and that enlightened management should begin to recognize that women have different emotional attachments to familial responsibilities. The HRP consultants have reported on this issue in the section entitled child care, and the family work conflict.

20. At one point in time, there was a high turnover of the employee population. Over the last 10 years, the turnover rate has reduced radically, which is accepted as a sign of the economic times. In terms of whether the age distribution of the employee population has had an impact on the priority of issues, there is a belief that an older workforce values pensions, benefits, and vacation entitlements to a greater degree than younger employees who are more concerned with hourly wages.

21. Transit unions are becoming increasingly alarmed by transit employers reliance on outside consultants. There is an understanding of the role consultants perform, but that consultants only come to labour to give the appearance of union consultation. Though this depends on the size of the trade union. The chief criticism is that consultation is more tokenism, and that most of the trade union concerns tend to be ignored. The old adage of he who pays the piper calls the tune, is believed to be problem. Consultants owe their existence to a contract obtained through management or the

Ontario government. The transit unions want a legitimate role in any consulting assignment which impacts on the operations of their transit system. There is also a growing concern that American consultants are making more frequent forays into Ontario transit jurisdiction. Additionally, it was also raised that the Ontario Urban Transit Association has used transit officials from U.S. right to work states to present workshops to Ontario transit officials.

22. In terms of union members role in contract ratification, there is a general view that union members scrutinize tentative deals and will not hesitate rejecting a deal. In fact, transit properties that are experiencing troubled labour relations, run the risk that workers will turn down an package (deal) just on that basis of poisoned labour relations. Though fortunately, this does not occur regularly, and as a general rule members traditionally support their union officers and respect the union leadership. In fact, union members rely on the union leadership to bring back a good package.

23. Another concern echoed in transit circles has been the turnover of union officers in certain local unions. This is not a black and white situation. Because in fact, certain locals have experienced frequent upheaval in their local union leadership. ATU Local 113 stands as an anomalous example where in the last 4 union elections



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there has been a steady turnover of elected union officials. This is contrasted to the majority of transit unions who have experienced a relative period of stability. Part of the reason for trade union stability is that education has helped increase the sophistication of the union leadership. There is an awareness that union leaders must possess a broader set of skills than just a loud voice at a membership meeting.

PETERBOROUGH

— ATU LOCAL 1320

Mr. Doug Haffie is the President of ATU Local 1320 and is currently serving his 2nd term at union president. He has also been involved in the last 7 contract negotiations and worked for Peterborough Transit for 16 years. He was previously employed as a truck driver.

1. As background, ATU 1320 has been certified as a bargaining agent for over 50 years. No other union has represented transit operators since the ATU has been the certified bargaining agent. There was a situation when the ATU was raided by the CUPE when the City of Peterborough bought the private bus company that originally provided the service. The private bus firm was called Border Transit, and the owner resided in Windsor. The politi-

cal irony in Peterborough is that the transit system was originally owned by the private sector, and was converted to public ownership in 1979.

2. The maintenance personnel at Peterborough are unique in that the mechanics are CUPE members, but the ATU represents them for working conditions. Yet for pay purposes, mechanics receive the CUPE negotiated pay rate. With respect to who the pattern setter is within the City of Peterborough, this changes. Sometimes it's CUPE, and other times it's the ATU. Typically, the anniversary dates of the municipal collective agreements have simultaneous expiration dates.

3. In terms of the transit union's perception regarding whether public transit is an essential service, the union noted that the transit manager believes transit is an essential service, but that his view is not necessarily shared by politicians. In terms of transit's pecking order within the hierarchy of municipal services, the union believes transit is not at the top of the pyramid, nor is it at the bottom.

4. In terms of bargaining team composition, typically the President, Vice-President, Secretary Treasurer, Operator, Steward, and International Vice President participate in negotiations. There is also paid time off for union bargaining team members. In terms of decision making the basic approach is consensus driven. It should

be noted that the trade union president has a wide latitude to set the tone and overall direction of negotiations. Not in a dictatorial sense, but in a consultative sense. Special observation was made that there are instances that an autocratic style is necessary to avoid paralysis by analysis. In plain speak, someone has to make a decision after all the talking is over.

5. In terms of the role played by the International Vice-Presidents and the Canadian Council, the IVPs are observers of the collective bargaining process. They are a resource who provide information, past experience, and practical smarts about the transit industry.

6. Collective Agreement negotiations are usually low key. It gets political when personnel bring recommendations to City Council to either approve or reject tentative agreements. At one time City Council turned down a request to have a politician sit in on negotiations and be the political window on the process.

7. Another source of frustration is that the transit union would like to talk to decision makers, namely politicians. There is a concern that the information politicians receive is filtered which may restrict their ability to fully understand the issues in dispute. There was even an instance where management and the trade union had an agreement in principle subject to



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ratification procedures, and the City Council turned it down.

8. The transit union will also escalate the political-anti if there is a sense that negotiations are stalled. There is a generally accepted protocol to keep the lid of bargaining to minimize public anxiety. As a rule, the parties don't bargain in public. Occasionally, there are unintentional releases to the media, and a belief that the tactic to go public is exercised with great discretion, but may be the only available recourse in some instances.

9. During the last ten years collective agreements have been freely negotiated. Mediation and conciliation have been extremely useful processes that finally bring the parties to successful resolution of the issues remaining in dispute. Of note is the fact that the transit property has never had a strike in 52 years. The trade union is also fully aware that if the right to strike didn't exist, then the union would have no effective bargaining power. The right to strike provides for a necessary balancing of power between the parties and is exercised with extreme caution and sensitivity to the interests of the community and the workers.

10. The relationship between the trade union and its transit manager appear cooperative. The transit union notes that good labour relations make working together a much easier and trusting exercise. There is also a recog-

nition that an absence of radicals in the leadership of the ATU has also helped the union's credibility. Another sub-current in the labour relations environment is the different style and culture of a rural community, where rural values change the dynamics of the relationships between people and organizations, as well as expectations. There is a greater sense of community and commonality of purpose.

11. The trade union notes that inspectors are the front line instigators of initial disputes between union members and the transit system. The union finds that inspectors actions have to be scrutinized quite regularly, and when necessary, the union approaches the transit manager or senior management with their concerns. The union believes senior management appear much easier to deal with in resolving disputes. Another concern relates to poorly oriented inspectors who lack training. Poorly trained inspectors, who harbour a sense of organizational superiority have a tendency to look down on operators. The union has responded in situations of harassment, and charged inspectors. Some of the disputes between operators and inspectors are believed to be motivated by petty vendetta. It was observed that the transit manager reviews all grievances with everybody involved.

12. The HRP consultants were also advised that the transit union has frequently raised the issue of binding arbi-



Peterborough Transit, instrument panel part of complex sensing equipment monitoring levels of toxins in the garages.

tration, and asked for this to be incorporated in the collective agreement. The City Council said "no-way". The City Council also rejected any form of binding arbitration which is consistent with the comments made by other transit unions that they are willing to avoid a strike situation by going to arbitration. The union has also considered some form of limited "interest arbitration" and feels the idea may have some merit, but that it may prove expensive. Clearly, cost is an important consideration and a prime concern whenever a difference of opinion occurs with respect to the interpretation of the collective agreement or impasse in negotiations.

13. In terms of transit union membership militancy, it is believed that workers are middle of the road. Although the previous ATU president was rather militant, it was generally conceded that his bark was worse than his bite.



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14. The issue of wage relativities is a fairly important aspect to labour relations. There is a sense that parity exists between operators and skilled trades, and at one time there was political friction because garbage truck drivers earned more money than operators. It was not indicated whether or not the wage disparity occurred during the private contractor tenure. The argument that was advanced rationalizing why garbage personnel earned more was that the job was tougher with bad working conditions. Outside of the wage disparity, the benefits between sanitary personnel and transit operators appear relatively equal.

15. In the situations where the ATU has been a pattern setter in negotiations, they have obtained innovative contract language before CUPE i.e., banked overtime. At present there is no COLA in the collective agreement, but the transit union would like one, though it's not a priority.

16. Some concern has been echoed in the industry regarding the level and scope of work rule provisions common in public transit that take from managements hands the ability to manage the transit system efficiently. The transit union believes work rules don't impede management's right to manage. In fact, work rules and regulations are necessary to maintain livable working conditions. That's the quid pro quo of 52 years of collective bargaining. In addition, the transit union does not

have concerns with any other provisions of the collective agreement, or finds troublesome. On the issue of non-productive hours, there is a sense that this used to be a problem, but tight scheduling has eliminated any slack that existed. As well, the trade union is pretty openminded with respect to the issues they will bring to the bargaining table.

17. The HRP consultants also investigated the kinds of issues that have appeared in recent years. The 1/2 hour paid lunch after 5 hours was a priority for the transit union. Conversely, the union never felt that transit management had an agenda to strip the collective agreement and are surprised by this given the general situation in Ontario public transit where concession bargaining has been the mode for the past several years. The union is also anticipating the employer to seek modifications in contract language which distributes work on the basis of seniority. A concern exists that the "merit shop" is the silent goal. In fact, the transit union believes this has a lot to do with CUPE who allegedly operate on some form of merit in other parts of the municipal operation. In terms of the future of labour relations, no changes appear evident.

18. The transit union believes that by having an legitimate role in the organization would contribute to improving the quality of union management relations. There has to be more input into

how the transit system is run i.e., selection of runs, routes, passenger policies, and more input into the general operation, but not manage it. As an aside, the social contract is believed to be a process that tried to get management and labour to work together.

19. In terms of whether public sector employees have the right to strike, the transit union believes this is a fundamental part of our collective bargaining fabric. The concept is not outdated, and an essential and important feature in successful labour relations in Canada. This is contrasted from the U.S. experience which has flirted with limitations on the rights of trade unions. With respect to whether some municipal services should have a limitation placed on their right to strike, the transit union believes that there is a necessity for binding arbitration for certain public essential services (fire/police). But strongly believes that public transit is not in this category.

20. There is also a belief that the public administered transit system wastes money, citing examples of over staffing in management. The transit union also believes that inspectors should be in the union, since inspectors receive higher pay, it may be cheaper to consolidate inspectors into the bargaining unit which may exert downward pressure to constrain these costs. This would be done by eliminating the necessity of paying inspectors the union rate plus top-up, which has been an



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incentive to keep inspectors out of the union. Once in the union, management would not have to sweeten their remuneration with a parity plus pay package. The union also believes that transit unions have more strength with a public administered transit system, and that transit management would like to minimize this political leverage by privatizing service. Although, there

is a potential disincentive for management in that the cost of private operators may prove more expensive and cumbersome than the current approach.

21. The transit union was asked who generates the annual transit budget, and replied that the Transit Manager, City Treasurer, City Administrator,

and the Director of Utilities work on the budget. In regards to sources of transit funding, the trade union has a cursory awareness of how transit funding works. And even after 16 years involvement with the trade union, the union president believes he needs more education on transit funding, where money is allocated, and what strings or guidelines are attached to funding.



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There is also a need to learn more about R/C figures.

In terms of the finances of public transit, the transit union recognized the impact that ridership has had on revenue. Another concern relates to the receipt of capital funding and the rigid rules that dictate that capital funding cannot be used for operating costs. The union also recognizes that the local economic conditions are a prime factor in wage negotiations.

22. With respect to the current fare structure, the union advised that an adult ride cost \$1.35 and seniors .95 cts. Traditionally, there have been annual 5 cent increases. The last two years fares were raised 10 cts. There is a belief that the media put a spin on the ridership crisis and fare increases which scared the public. Yet the transit union believes that greater ridership loss occurs with poor scheduling, than the generally accepted theory that for every fare increase, ridership decreases.

23. In terms of the International Union's control of strike funds, there was a belief that this had no impact on whether the trade union will seek a strike mandate.

24. The HRP consultants were advised that there has been no real change in the ethnic composition of the union membership. It was believed that the membership was generally represented by white males. There is also a recognition that employment equity

will have a big impact with a fear that it will over-ride seniority rights.

Clearly, quotas will affect the part-time employees who have progressed on the seniority ladder and await being hired full-time. The transit union believes that this will cause dissension. The union also notes that ethnic and women's caucuses which appear in other transit properties, have not formed. Women are also becoming more visible in the transit workplace, and women's issues are discussed in regular union management meetings.

As well, there is a belief that most corporate barriers have been removed allowing more women to be hired. The union also believes that there is nothing a man can do that a woman can't. There was a situation cited where a woman wanted to perform a maintenance job, and caused some friction by pushing the issue. An inspector tried to stop the woman who then complained to the Human Rights Commission. Transit management then agreed with the woman's request for placement in maintenance.

25. The transit union also believes there are more young people in the bargaining unit. When the union president started with the transit system he thought the mean age of the membership was older. In terms of the impact on bargaining, there is a tendency for younger workers to want cash and view pensions and benefits as less important.

26. Transit union officials believe that consultants are used extensively for routing and scheduling, and that this should be done in-house.

27. The HRP consultants were also told that the current legislative provisions governing labour relations are adequate. Though the transit union would like to see binding arbitration which does not require consent by the parties. There is a belief that Peterborough transit workers would be pleased with interest arbitration.

28. With respect to the role of the union membership during contract ratification, the union bargaining team must be prepared, and able to sell the agreement. The leadership must never underestimate the membership, because they are responsible for crank-ing-up the members for a strike mandate, but equally responsible for gearing them back to a non-confrontation back to work mode. Clearly an art not easily achieved. Another concern that the trade union experiences is the tendency for shop floor politics to stay in the drivers lounge, and never discussed where it should be addressed, such as a union meeting.

29. The HRP consultants were also advised that union officer turnover occurs as a result of individuals vacating a union office. Historically, there has been stability in the union leadership, contrary to the palace coups in some other transit unions.



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LABOUR RELATIONS

— MISSISSAUGA ATU LOCAL 1572

Mr. Robert Pepper is President of ATU Local 1572 and is currently serving his 1st term as President. He has also held the positions of Vice President, Board Member, Shop Steward, and most importantly, has been a bus operator since November 1975.

1. A collective bargaining relationship has existed with Mississauga Transit since 1974 and at that time ATU Local 107 was the bargaining agent, and Mississauga Transit workers were part of this composite local. In 1976, ATU 1572 became an independent local and since that time no other union has represented Mississauga Transit employees. In addition, the ATU is the bargaining agent for operations and maintenance personnel, of Mississauga Transit.

One of the compelling reasons why Local 1572 changed local union affiliation in 1976 related to concerns that Mississauga Transit workers wanted their own union structure and did not want to get lost in a union organization that was physically situated in Hamilton, and represented HSR employees. It should also be noted that maintenance and operators have always been part of the same local union.

2. Transit union officials indicated



Mississauga Transit, different technology impacts on the equipment required to service vehicles (articulated hoists).

that transit should be considered an essential service, but no limitations should be placed on collective bargaining or transit workers right to strike. When asked what other municipal services are of a similar degree of essentiality, they indicated that within the municipal family of services, transit is up at the top of the pyramid, right behind fire and police.

3. The composition of the union's bargaining team is traditionally made up of representatives of the Executive Board. By-laws give the union President the right to pick his team, and there is a historical tendency to draw from the Executive Board.

4. In terms of how bargaining demands are formulated, the transit union solicits proposals from the membership. The union places a suggestion box at all locations for one month. The Executive Board then reviews these submissions and formulates a list of contract demands. In fact, the master bargaining demand list of contract proposals then goes to the membership for approval. Executive Board members also introduce proposals and are an integral part of the process.

5. Internal union politics in contract negotiations is always present. The degree and severity of criticism depends on the malcontents. Further, there are



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always differences of opinion between the union membership and Executive Board. Some of this is healthy curiosity and criticism. On the other hand, there can also be internal politics within the Executive Board, which is another manifestation of internal divisions. Clearly, internal union politics is a big challenge and it's one of the first tasks of the bargaining team. Once there is unanimity within the Executive Board, the bargaining team must then spend time and energy dealing with concerns of the membership. The trade union believes that constructive criticism is encouraged and a healthy sign that the membership are alert. For instance, when the Executive Board accepted a package identical to staff there was political fallout. One of the main failings observed by transit union officials is that transit unions do a poor job of selling and explaining the contract package to the membership. It was noted that transit unions must develop communication structures which enable a free-flow of information to the membership. As a general rule, information regarding contract status is shared at general meetings, notice boards, and gossip in the drivers lounge, as well as in the garages.

6. The transit union has a disinclination of negotiating in the media. In fact, there are unwritten ground rules between the parties (50/50 protocol) that before negotiations go into a ditch, the union will call the General Manager. In these rare situations the

General Manager intervenes and has usually been able to reconcile concerns enabling the parties to continue collective bargaining. In 1984, there was a transit strike in Mississauga with no lock-out. The transit union made a conscious decision to go public in 1984, but noted that it's easy to say the union would do something different in 1993, because the dynamics are different in every set of contract negotiations. The union is careful not to rule out any negotiating strategy.

7. During the 1980's, collective agreements have been achieved in 1989/91 by settlement, 1987/89 by settlement, 1985/87 7 week lockout, 1984/85 strike. The key issues which typically remain at impasse are part-timers and contracting out. There is a general belief by transit union officials that management doesn't like the idea of a strike. Yet it was noted that there are times when management will take a strike, but this depends on the issue.

8. The transit union always uses mediation as a method of impasse resolution for contract disputes. In addition, before ATU 1572 would go on strike they would seriously contemplate using arbitration as provided for under the ATU International Constitution. In fact, during the strike of 1984, Local 1572 offered binding arbitration as a option, but Mississauga turned the request down. With respect to whether there are situations where the membership and union leadership would opt for

a strike versus arbitration, the transit union notes it depends on the issue. Additionally, it was noted that the receipt of International Union strike funds does not make a difference in terms of members inclination to opt for a strike.

9. The HRP consultants investigated whether there is a preference regarding arbitration versus negotiation, or a belief that the trade union could achieve a more favourable settlement in one or the other forum's. There was a belief that in terms of monetary issues, collective bargaining might better achieve the transit union's goals. And that arbitration might prove more favourable in respect to contract language issues. At present, there is no interest arbitration provision in the Local 1572 collective agreement. The transit union also recognizes that they are also mandated by the ATU's International by-laws to arbitrate contract disputes if they wish to access strike funds.

The transit union was also asked to consider the implications of a legislatively imposed requirement to arbitrate disputes. The union noted that it would rather decide its own destiny. It's better for the trade union to make the decision than let a 3rd party neutral make a decision. Part of this lack of faith in arbitration flows from experience in general arbitration cases, and this causes the transit union some concern if contract issues had to be adjudicated by arbitration.



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The HRP consultants were also advised that a potential exists to rely on arbitration versus negotiations and cited the fire fighter experience with interest arbitration. Although, in retrospect, fire fighters have done very well by this dispute settlement procedure. On the other hand, arbitration is also a very expensive process. Though if the union had to obtain a collective agreement, the cost of arbitration would not stand in the way.

10. With respect to the role played by mediation in recent negotiations, there is support for the mediation process in the belief that it provides the parties with sober second thought. One of the key aspects to successful mediation is the quality of mediation staff from the Ministry of Labour. It was noted that the parties had a good mediator during their lock-out who kept the parties talking. On the other hand, there was criticism of other mediator's who were ineffectual. The transit union believes that it would be advantageous to have mediators who are specifically assigned to transit industry disputes and who understand the transit industry, working conditions, and contract language and history of the parties. In fact, the union has specifically asked that the Ministry of Labour send in Vic Pathe, or somebody qualified. This is an issue which the HRP consultants will explore further.

11. The HRP consultants reviewed the issue of union membership militan-

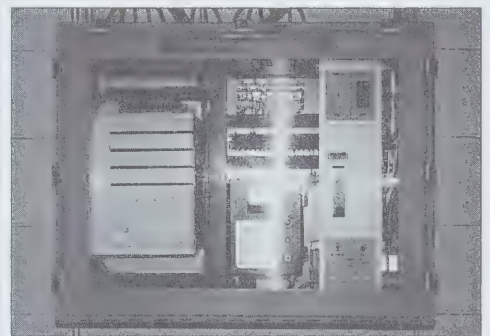
cy and discovered that they are actually quite middle of the road. In fact, if 1 represents militant, and 5 represents nonmilitant, then transit workers are approximately 2.5. On the other hand, the HRP consultants investigated the degree of militancy within the local union leadership and discovered that they can be militant when necessary, but are generally conciliatory most of the time.

12. With respect to the issue of earnings and transit workers status regarding wage comparability with other civic workers, there is a sense that transit workers fit into the pay structure of police, fire, works, roads, and recreation. Though there is a belief that the wages in public transit are slightly better than the trucking industry.

On the issue of wage comparability with other transit properties there is a pride and recognition that Mississauga Transit is #2 in the industry. In fact, Mississauga is 2nd, after the TTC. In respect to the benefits received by Mississauga Transit workers compared to other public employees, there is a belief that transit workers enjoy better benefit packages than other public sector workers. In fact, transit union officials believe that in some areas of compensation, Mississauga is number one. It was also noted that in some areas, they have better technology on the property. Seats and driver area are the best in the industry. There is also a recognition that Mississauga has the newest fleet. Out of 302 buses, over

200 buses are 2-3 years old. These vehicles have air conditioning, power steering and ergonomic seats, and remote control mirrors.

13. In terms of recent contractual pay increases (pre social contract) transit union officials stated they received the same wage increases as civic workers ie., 4.5%.



Transit Windsor, HRP consultants found garage ventilation systems are common place in all transit systems.

The HRP consultants also reviewed the issue of whether Mississauga Transit was a pattern setter or follower in contract negotiations. There is a perception that transit is a leader, but as a general rule, ATU Local 1572 tries to obtain the same increases and benefits as other civic workers. In situations where the pattern has already been established, the transit union piggybacks on the money and benefits negotiated by civic unions. In addition, the transit union also establishes its own agenda, but is always



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open to review gains and progress made by other unions, and this includes transit or other civic operations.

14. Local 1572 was also asked about the importance of a COLA, its specific history with respect to when it was negotiated or amended, and whether this was an important union objective.



Niagara Transit, a small machine shop but highly flexible in terms of the variety of work mechanics perform.

The HRP consultants were advised that a COLA formulae was once offered to ATU Local 1572 but was turned down by the members. The irony is that in every set of negotiations since, the transit union seeks to obtain a COLA provision. In fact, the issue is a priority for the trade union.

15. In respect to the work rule provisions in the collective agreement and whether they limit managements ability to manage, the transit union noted that there are time when work rule issues get raised. The union attempts

to clarify that figures don't lie, but liar's always figure. The trade union cited a instance when the employer was quoted in the newspaper that transit workers were seeking double time and a half on statutory holidays. In reality, the union was seeking double time. In addition, transit workers get 8 hours guarantee on statutory holidays. The transit union also noted that there is a broad latitude for individuals to play games with the interpretation of work rules. The union also noted that during the 1984 strike they felt that management deliberately twisted the issue of work rules and related compensation to create an impression that wasn't true. The result of this "spin" created a misleading impression that transit workers are overpaid and under worked.

16. The HRP consultants were told that work rules are necessary to buttress against bad working conditions and arbitrary decision making. The concept at Mississauga Transit is that the employer would like to obtain 8 productive hours work for 8 hours pay. The transit union noted that there were limited instances where workers abused certain work rules and language, resulting in nickel and dime overtime claims. This forced transit management to tighten-up the rules. It was also observed that since Trapeze was introduced on the transit property, it squeezed optimum efficiency from the crews and runcuts. Another area which also under went significant change was the spare board. At one

time the spare board had productivity of 3 hours work for 8 hours pay. Clearly these were limited exceptions but nonetheless presented a dilemma for the trade union, which in the final analysis is difficult to justify or rationalize. In fact, it was noted that in contract situations, these anomalies can surface as media stories about poor productivity in the transit industry. In 1989, the TTC engaged in precisely this kind of "political spin". Whether the public discerns whether these situations are one-offs or system wide abuses, one fact appears certain. Transit workers end up being portrayed at over paid and under worked.

17. The transit union was also asked to identify contract provisions that are troublesome. The response to the HRP consultants was that management don't like to live up to collective agreements they sign. In fact, more grievances flow from contract interpretation, and whether the provisions are old or new, the transit union believes management tests the union. The union believes that management also try to find loop-holes in the collective agreement which forces the union to police compliance or violations. As a general rule, the transit union must remain vigilant. On the other hand, in 18 years the union can only remember the company filing 1 grievance regarding a breach of the collective agreement. It was also noted that a few transit officials are at the root of the problems and fail to advise their General



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Manager when challenging contract language. These situations are generally resolved once senior decision makers get involved, from both management and the union.

18. The HRP consultants also worked with the transit union to assess whether non-productive hours can be reduced appreciably through contract changes, and what problems this poses for the trade union. Transit union officials stated that at one time the 8 hours work for 8 hours pay provision was a big problem. Now that has been resolved, more attention is being focused on the 40 hour guarantee. In fact, Local 1572 has a 40 hour guarantee, as well as an 8 hour guarantee. The company would like to re-negotiate these provisions with a 80 hour guarantee. The union concedes that it may prevent abuses where an individual takes 2 sick days within week #1, and works 2 off days in week #2 at overtime. The concern of the employer is that an individual can receive 11 days pay for 8 days work.

19. The transit union also realizes that absenteeism is a big issue between the parties. Management thinks absenteeism is abused. The union participated in the development of an incentive program for attendance. It was determined that roughly:

- 1st 120 employees experienced no absences
- 2nd 120 employees away 1 day per year

- next 100 employees away 3 days per year
- 50-60 employees away 5-6 days per year
- approximately 40 employees away 6-50 days per year.

As a general rule, the transit union doesn't buy into absentee programs that try to reduce absences i.e., winner receives toaster. On the other hand, the TTC and ATU Local 113 are amending their Work Availability Program with a view to developing cash incentives for employees i.e., if an worker doesn't use any sick days, they may offer 2 1/2 days pay.

The transit union realizes that some workers would like to work less than 5 days a week, and management uses this as an argument for part-timers, and to support their position. As well, the union also cited concerns about the shift change policy. At one time workers could make a straight exchange of shifts as long as work was covered. It has evolved into a situation that must be managed and not left unchecked. Part of the reason is that some workers are working lots of extra hours. On the other hand, there is a general belief that this policy has been extremely successful in preventing absenteeism, balanced against concerns that the shift change policy is open to some abuse. In fact, the TTC negotiated that employees could enter into 3 shift changes a year. Clearly there is a belief and understanding by the parties in public transit that some liberalization of work rules can reduce absenteeism.

20. The HRP consultants were also told that the issue of part-time workers and absenteeism were not issues that the transit union likes to see on the bargaining table. On the other hand, the union also noted that there are new issues which are surfacing in negotiations namely customer complaints. The employer wants the union to take ownership of the problem regarding customer complaints. With respect to new issues gaining in prominence, privatization and contracting out appear more frequently. In fact, the union believes that they missed the issue 10 years ago, and do not want the privatization issue to be missed again. Not only that, the issue is already believed at the door of Mississauga once again.

21. The transit union was also asked to review the future of transit labour relations, and noted that unless the union and management leadership changes, not much will change. It was also stated that the transit system has individuals working in senior positions who don't understand transit. In fact, the union went to the defense of their General Manager stating that he's quite competent. Though worry about any future successor. There was also concern about Mississauga and their political commitment to a public system. This concern comes from a belief that Mississauga has a long history with contracting out, and at any point in time the politicians could promote the privatization of Mississauga Transit and feel quite confident in their actions.



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In terms of the future of transit labour relations, there is probably a need for some form of Relationship By Objectives program (RBO) or Talking About Program (TAP). The basis of these programs is to identify what is bothering the parties and to sit and discuss these problems and work together. These are joint union management forums facilitating open dialogue. The HRP consultants recommend that the ATU Canadian Council review any request and nominate a trade union facilitator/consultant. Further, the ATU should also deliver their own RBO program that can be implemented at transit properties that are having difficulty with labour relations. Whether these can be joint initiatives with existing industry facilitators, the HRP consultants are concerned that the current approach is absent trade union ownership nor an ability to share in the revenue that results from these kinds of consulting assignments.

22. The HRP consultants also reviewed the issue of budget formulation with transit union officials. In respect to the budget process, the union stated that the General Manager, City Council and the Province are players in the process. There is a belief that the General Manager brings recommendations forward to the City Manager, who then goes to Committee with budget documents. The matter then goes to Council. The union keeps a very low profile on budget issues. In fact, the union noted that 1992 was the first

year they got budget documents, and not just selected excerpts. The HRP consultants found that there is a need to provide greater background on the municipal and provincial financing and budgetary processes. This information is critical in allowing negotiating parties to fully understand the true fiscal picture of the municipality.

23. With respect to government funding (municipal/provincial subsidies), the transit union does not have a solid understanding of how the funding process works regarding amounts of subsidy or guidelines. The union is fully aware that subsidies have been in existence for years, but there is a belief that certain funding for demonstration projects comes too easy. There is also an awareness that the traditional approach was to increase fares, but there now appears to be a greater emphasis to cut service. In addition, the union is also concerned with the transit property being broke in one pocket (operating), and rich in the other (capital). When the union sees new equipment, facilities, terminals, it certainly influences the union's impression that the fiscal health of the employer is not as bad as they profess. In fact, this also affects bargaining relationships regarding the nature of arguments and the employer's ability to pay.

24. Regarding the issue of operating subsidies, the transit union doesn't believe that it causes wages to be high-

er. There is no illusion that the employer can always run to a funding source and get more money to pay for a wage settlement. Though with some other transit unions this appears to be the case. In fact, Mississauga Transit is seen as very frugal and tough negotiators. They don't give away the farm. The union was also asked about the historic nature of their fare policy and felt that no pattern is discernable stating that it jumps a lot one year, and maybe frozen the next. The union also stated that they are not involved in the process but require more knowledge about funding and fare policies.

25. The HRP consultants also reviewed the role played by the International Union and found that there is a strong preference for certain International Vice Presidents. On occasion, International Vice Presidents have been helpful, but that they don't fully utilize them. In fact, the union establishes the ground rules regarding their participation. But as a general rule, they have a full voice in caucus and are allowed to sit at the negotiating table but are not spokespersons. There is also a belief that the presence of an International Vice President doesn't scare or influence transit management. On the other hand, the ATU Canadian Council was stated as being a more important resource to the transit union. In addition, the union also stated that the availability of strike funds nor the size of the war chest determine the militancy of the membership. In



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fact, it's the issues which are most important, not strike pay.

26. The HRP consultants also reviewed the ethnicity issue and were told that Mississauga has a wide variety of different ethnic groups represented on the transit property. As an observation, it was stated that during the 1980's the employee population was visibly represented by European ethnic groups, with certain designated groups under represented. With respect to whether these ethnic groups identify with the union or management, experience indicates that they are not necessarily anti-union or pro-management. On the other hand, ethnic workers stick up for their rights. Minority groups have not placed any issues on the union agenda. In fact, the union has is an egalitarian approach to union issues, where all the members are treated equally. As well, no ethnic caucuses have formed. Yet there is also an unmistakable concern regarding Employment Equity and its potential impact on Seniority rights and related provisions. It should be noted that many of the bidding provisions in the collective agreement are seniority driven.

27. In addition, the transit union was also asked to identify any trends regarding the participation rate of women in their transit system. Union officials believe they are not overtly chauvinistic and in fact believe that the transit union could benefit with more women



HSR, engine and transmission re-builds are performed in-house.

involved in the union. In fact, they are encouraged by the presence of more women working in transit. On the other hand, there is concern that the unique needs of women regarding hygiene, rest allowances, and personal leave are not fully comprehended. The union also realizes that the transit industry has had a historical hiring bias which resulted in a male dominated environment. There is also a belief, rightly or wrongly, that women who participate in the transit industry workforce are second income earners, who might like to work part-time or a reduced work week.

28. The HRP consultants also reviewed the issue of age distribution

and were advised that the average age of transit employees is 40-50 years old and greying. This has had a implication on the priority of issues advanced by the transit union in bargaining and a belief that an older employee population places a greater priority on pensions and post retirement benefits.

29. The transit union indicated that transit management utilize City Solicitors and occasionally retain outside legal counsel. One of the issues that the trade union believes is a problem is WCB. The union believes that management has too many rights contrary to hysterical pleas from certain politicians. Specifically, the union's WCB concerns relate to when the



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employer objects to a WCB claim, and experience indicates that once an employer objection is raised, the WCB claim takes twice as long to process. This has the effect of forcing an injured worker back to work.

30. The HRP consultants also reviewed the union members role in contract ratification. There is a general view that the membership are practical, not radical. This is reflected by the last contract being ratified by 80%. Conversely, all first contracts offers are rejected by the membership. But transit union officials cited concerns that this tendency for automatic rejection of first offers has negative implications. The belief being that a you can lose good provisions in the first offer ie., COLA which may not end up in the final offer. The union was also speaking from first hand experience.

31. Regarding the issue of political opposition to contracts and union elections, there is an acceptance that political opposition is an inherent feature of democratic institutions, and that to a degree, civic politicians similarly live in a political fish-bowl. In terms of union stability, there is belief that some union executives experience a high turnover, while others enjoy a relative period of political stability. The rationale being that the membership are sensitive to the quality of representation, and do not hesitate changing the guard if they sense the leadership is incapable of dealing with the issues affecting their interests.

LABOUR RELATIONS

— ATU LOCAL 279

Mr. Randy Graham is President of ATU Local 279 and has been President for 3 terms. He previously held other positions in the union and has been an union activist for many years.

The HRP consultants meet with ATU 279 representatives and discussed operational and labour relations issues of concern to the transit union. As background, the HRP consultants were told that OC Transpo had an 800 bus fleet and carried approximately 80 million passengers a year. The total budget was approximately \$160 million with a 56% R/C Ratio and a 60% target. There is a clear understanding that provincial subsidies have been capped at 1992 operating levels. As well, the union recognizes that the system has lost 2% of riders mostly in off-peak hours. It was also noted that the Ottawa Region has not suffered the same unemployment that has afflicted other communities in Ontario.

Ottawa also has other unique qualities that make it quite different from conventional transit systems in Ontario. The Transit Way, a system of dedicated transit lanes are the nerve centre of the OC Transpo system. It was noted that the Transit Way provides 5-10 minute service in off-peak hours. In addition, when the Transit Way was first being contemplated, the

transit union supported the concept, although there was an implicit understanding that the system would require less operators and equipment. The union took a leap of faith that any system that was transit oriented had to provide up-sides to the security, future and viability of public transit for generations to come. And on that basis, the transit union became an advocate and promoter of the transit system which is internationally acclaimed for its design, service levels, and a testament to inter-governmental cooperation, both in terms of funding and jurisdictional concessions.

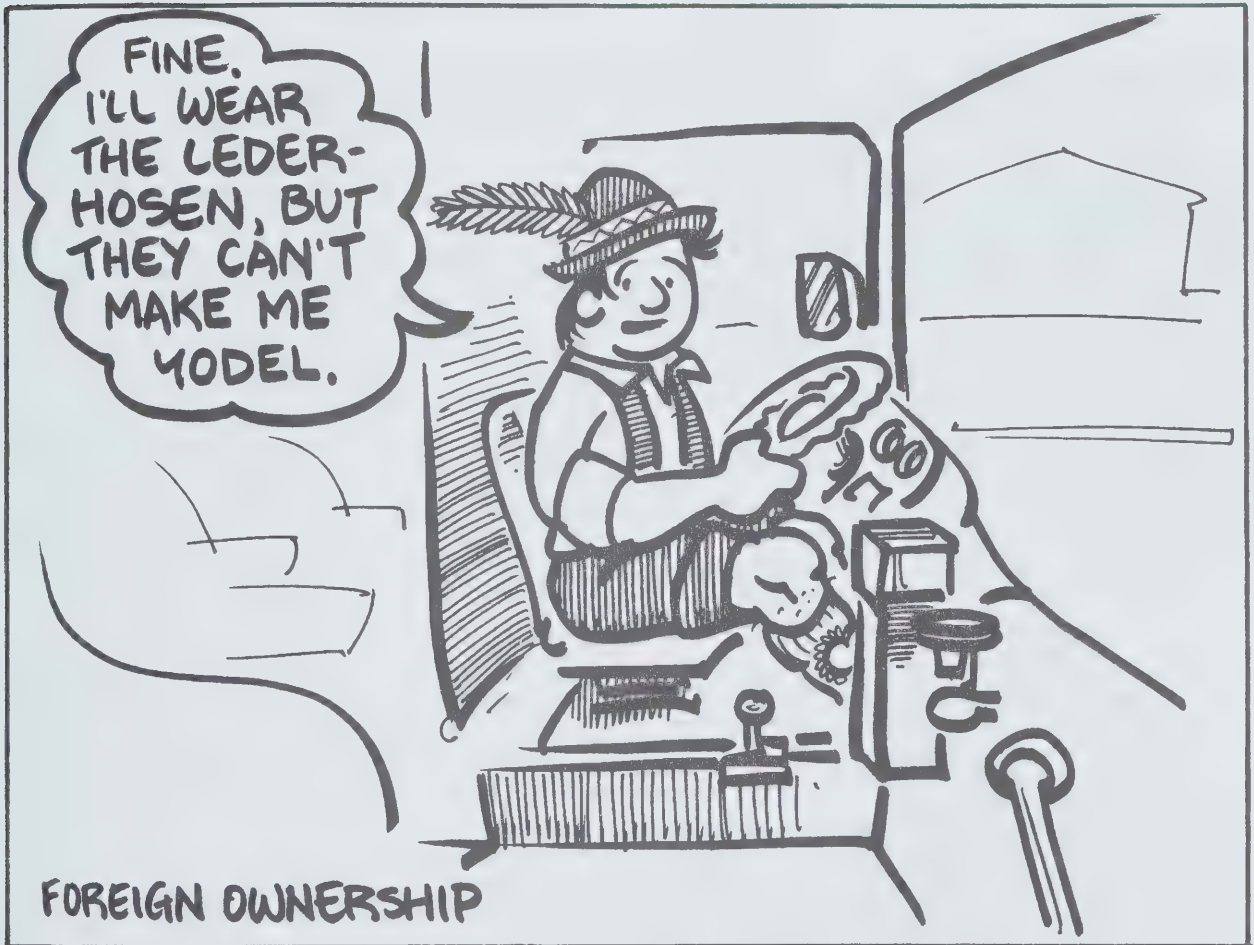
1. The HRP consultants were advised that Para Transit buses are owned by OC Transpo, but operators are from Blue Line Transit, though they are dues paying members of ATU Local 279. In addition, the union is also aware of the unique service requirements of school boards and advised that schools currently provide staggered school hours to accommodate school busing. In addition, there is also a recognition that with 5 school boards within the Ottawa Region, student transportation is not a small issue. In fact, school busing costs represent expenditures by school boards of approximately \$57.5 million on an annual basis.

In terms of factors which may influence transit usage, transit union officials indicated that parking can be obtained for \$9 dollars a month in outlying communities serviced by OC Transpo, and



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that this encourages people to then take transit since service is accessible and provided in every community.

2. It was also noted that the transit system operates on a pulse system, and that the radial design is married to the express routes in particular. The union also monitors the transit coordinating committee's in the local communities

who then feedback into OC Transpo, their service concerns or requirements. This is part of an on-going route and service review, and coordinated by TransPlan. In addition, the transit union also monitors the complaints made by transit users i.e., University complains about OC Transpo service. As a result, officials meet with the Student Association twice a year. In

fact, the HRP consultants found that there was a need in other Ontario jurisdictions for greater linkages with these transit stakeholders. OC Transpo also provides 140 extra trips for school service on a daily basis, and supplement schools with transit service by scheduling some minor route deviation to augment school transportation needs. In fact the student ridership sub-group



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represent approximately 10-15% of total ridership. One of the selling points that public transit uses to siphon riders from the yellow school bus program is that "OC Transpo's" school bus pass is good 7 days a week, which is contrasted from the yellow buses limited 5 days a week, morning and evening service only.

The transit union believes that the Commission structure works and integrates well with municipal operations i.e., transit, traffic, and roads. Of concern to the union is the area of "Strategic Plans" which have been prepared with some regularity at OC Transpo. In fact, it is performed throughout the Ontario Transit industry with varying levels of regularity and sophistication. Of particular concern to the union is the fact that the Strategic Plan prepared 2 years ago is entirely useless i.e., service standards. They believe this represents a misplaced effort and expense. In addition, service (booking) is believed to be too rigid in June and that the September schedules are so inflexible that scheduling cannot make changes and adjustments for unique service demands or modifications that occur the next day. The whole scheduling system is incapable of flexibility to accommodate immediate changes.

3. The HRP consultants reviewed the training issue and were advised that the Transit Ambassador Program is available to operators, but that "no real training" exists in maintenance.

Transit union officials would like to see more training regimes implemented as part of a commitment to training in the transit workplace.

The union is also concerned about old equipment i.e., tow trucks, vans, fork lifts, and bulk lifts. There is also a concern that stations are getting dirtier and that there is more work and less workers. Some of the symptoms of deteriorating maintenance are the flickering light bulbs which would have been changed in earlier times. In addition, OC Transpo conducted a maintenance review 6 years ago, and the study justified more hiring of mechanics, stores, and supervision. This appears in contra-distinction to the experience in other Ontario jurisdictions where organizational reviews are an employee shedding exercise. It was also noted that this resulted in more time being allocated to perform certain jobs. It was also stated that time study has existed on the property for many years, and that comprehensive book rates exist for brakes, engine, front axle, rear axle, suspension, transmission, air system, fuel system, air conditioning, heating system, centre axle, battery charging, electrical system, doors, wipers and washers, body exterior and interior (3300/3400), inspections, engine oil filter change, and fleet care. In fact, OC Transpo has a time standards book which are used by job planners. The union thinks time rates are an advantage to the union employee and prevent indiscriminate speeding up of production, and conversely, it ensures that

workers meet "reasonable expectations". With respect to the history of time standards, they have been around OC Transpo for over 20 years. Of note is the fact that there is hardly ever a complaint about the times. There is also plenty of flexibility in respect to times, with explanation. Job planners schedule work and give each worker a job with varying amounts of time depending of the job.

The HRP consultants were advised that OC Transpo attempts to schedule service to accommodate operators. In fact, there is shuttle service to assist operators after a piece of work is finished or they have to transfer to their next piece of work. Stranding of operators is recognized as a problem and some effort is made to minimize this where possible. In addition, OC Transpo has 10 spares on the board. According to the transit union, there is a problem with tight schedules contrary to the position of OC Transpo who try to cut buses and integrate line runs. In fact, the transit union checks with OC Transpo and monitors the times allocated to certain runs because the union does not always accept what they are told on face value.

4. The Executive of ATU Local 279 work in a cooperative manner, and have been chartered since 1901, almost a century. At present, no collectors are in the ATU Local 279 bargaining unit, but dispatchers are. In fact, there are noted situations where operators have friction with dispatchers, and this has



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been the root of labour relations difficulty. On the other hand, inspectors are in ICTU (Independent Canadian Transit Union). The Canada Code says you can't have management in the bargaining unit, and inspectors are defined as management personnel. There has been speculation that inspectors anticipated a defection or change of bargaining unit representation, where ATU 279 would de-certify and become an ICTU local, so the inspectors jumped ship prematurely.

The HRP consultants were advised that the transit union believes they are an essential service in respect to being an important part of the infrastructure of the City of Ottawa, but not essential in the sense of sacrificing labour rights in respect to collective bargaining and the strike option. In terms of the public transit fit within the pecking order of municipal services, the union believes they are 3rd after police and fire.

5. With respect to the bargaining team composition, the union executive is the team. And in terms of who makes the decisions prior to and during negotiations, the bargaining team makes collective decisions in terms of demands and wage decisions. The transit union also issues a questionnaire to the membership seeking proposals. The union then formulates a master list of proposals which are brought back to the membership for discussion and approval. As well, an International Vice President is invited into negotiations and brings a

fresh perspective regarding transit industry trends, etc.

6. The HRP consultants also reviewed the role played by local politics in transit negotiations. In fact, there is a recognition that since all the Commissioners are Mayors, the collective bargaining process is highly political. On the other hand, front line negotiators don't have the power to make decisions, and the transit union has said this often enough, that if management negotiators cannot make a decision then get the boss.

7. During the last decade, most collective agreements have been settled at the conciliation stage, and there is a belief that the Federal mediation services work well, and thus there are no real complaints about being under Federal jurisdiction. In terms of the key issues to settlement or remaining in dispute at point of impasse; these typically relate to pensions and working conditions. The transit union also assessed the effectiveness of the strike option as a union sanction and believe that it is "sobering and useful for a union in negotiations - and not exercised frivolously".

8. The transit union believes that the appropriate method of impasse resolution is conciliation and mediation. In fact, the trade union sees no benefit to arbitrated settlements, either on a philosophical basis, or natural justice basis. The union notes arbitration isn't

part of the Canadian system of labour relations, except in limited situations



OC Transpo, like many transit properties, has a regular incidence of vehicular collisions. This "artic" bruised in an accident requires costly litigation and TLC from the body shop.

(fire, police, hospital sector), and believes that arbitration takes responsibility out of the hands of the parties. It was also noted that the regional government is not happy about interest arbitration with respect to police and fire settlements. Regarding the role that mediation has played in recent negotiations, conciliation is extremely important.

9. The HRP consultants reviewed the issue of union member militancy, and where advised that typically, the membership are middle of the road, but can be militant when its in their interest. Conversely, the militancy of the union leadership was assessed, and it was observed that the union leadership is pragmatic, and rise to any challenge in representing the collective interests of their membership. And in fact they



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lead the membership and not the opposite.

10. With respect to wage relativities, the wages and benefits of OC Transpo employees are comparable to other civic employees.

11. With respect to whether the transit property is a primary pattern-setter or pattern-follower in contract negotiations the transit union officials believe they are bit of everything. In other words, they take the best everyone has and in some instances ATU Local 279 is the pattern setter. From a benefits perspective, there is a belief that ATU Local 279 is a little ahead. Regarding who the union uses as a wage comparator in negotiations, the transit union will use any public sector comparator, within or outside transit. If it works, the union uses it. The company has an opposite approach.

12. The HRP consultants also reviewed whether or not the current collective agreement contains a COLA allowance. And were advised by transit union officials that the COLA is dormant, but that maintaining the COLA is important, especially if there is no money available for wages. Then a COLA is a top priority.

13. Some have suggested that the level and scope of work rule provisions take from managements hands the ability to make management decisions. The transit union objects to these kinds

of statements, and believes that work rule provisions do not take away management rights. Management still has rights, and the collective agreement recognizes their rights, with guidelines. The guidelines are agreements between the parties which allow management to operate the system without indiscriminate latitude to change book-offs, schedules, wages, etc. The transit union also recognizes that certain contract provisions relating to compensation can be troublesome, not in a philosophical sense, but in a practical administrative sense. These provisions require careful scrutiny to ensure there are no breaches to the collective agreement or the spirit and intent of the parties. On the issue of non-productive hours and related administrative practices of OC Transpo, the transit union believes that report times can be a significant cause of absenteeism. The union believes that public transit must begin to investigate ways that build more flexibility into the schedules and recognition of human needs. For instance, there must be more flexibility for off-time, lates - especially if an operator is 2 minutes late. Inflexibility in these operational areas causes stress, and in the final analysis, can contribute to absenteeism. The union also notes that there are some non-productive hours i.e., 4 1/2 hours work with a 8 hour guarantee being a very limited situation which was negotiated and agreed to by the parties. The union made this a quality of work life issue. With respect to the issue of non-productive hours,

OC Transpo won a 1987 award from APTA as the most productive transit system in its class across North America. Yet, saying a system is efficient on paper may contradict reality. In fact, the trade union has no difficulty in seizing on hoopla promoting the transit system's efficiency and using it to their advantage.

14. The HRP consultants were also told that the issue of part-time workers is not an issue they consider appropriate for bargaining. In addition, the union noted that transit management benefit from union negotiations since they either get a matching wage increase, thus they have an interest in what the union secures in the way of wages, benefits, and working conditions.

15. In terms of the new issues which have appeared in recent negotiations, the union noted that the employer is seeking changes to booking rules, temporary employees, and efficiency items. The union also believes that the parties come to the table with the traditional filler items, and there is culpability on both sides. It's like nuclear warfare, if you have enough contract proposals that they act as a deterrent. The union believes that we are cluttering the bargaining process with a lot of political posturing and believes that some improvement could be made in this area. There have also been recent letters of understanding entered into by the parties in respect of power steering and seats.



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16. Regarding the future of labour relations, the union believes that the issues of funding, ridership, workforce staffing levels will predominate the political agenda. More importantly, there must be a re-articulation of what the municipal and provincial vision is for public transportation. When the HRP consultants asked whether the issue of governance would remedy the relationship between the union and OC Transpo, the union stated that they don't see an advantage of sitting or being part of the Commission. In addition, it was stated that if the Ottawa Labour Council had a designated representative on the Commission it might backfire and cause ATU Local 279 to disaffiliate from the Labour Council. Clearly, this is a sensitive issue.

17. The HRP consultants were advised that the private sector and public sector are two completely different worlds. But there was a noted exception that public service bureaucrats are becoming meaner in respect to their strategies in dealing with the trade union.

18. The transit union advised that OC Transpo is currently administered as a Commission type structure. In addition, the union likes the Commission model, and the fact that they are under Federal jurisdiction.

19. The transit union also noted that OC Transpo sets the budget, then goes



OC Transpo, maintenance facilities are well organized, and employees highly motivated.

to Regional Council for budget approval. The union monitors and attends the budget deliberation process and will lobby politicians if necessary. There is a belief that the transit union should be politically involved at budget time, this helps OC Transpo, and the added political presence cannot be discounted.

20. The HRP consultants were advised that ridership has caused lost revenues, and that OC Transpo coped by implementing service adjustments and dipping into the stabilization fund. In addition, it was believed that OC Transpo utilized every available dollar from the Ministry of Transportation. In fact, public transit in Ottawa has

been successful because of a multi-partisan effort. To get government dollars, political pressure is exerted from many different areas. This has worked quite successfully. The union also believes that capital dollars distort the collective bargaining environment because if forces the transit union to argue that dollars are being expended on capital, and yet poverty is being argued with respect to wages, benefits, and working conditions.

21. Bargaining outcomes are also influenced in a limited way because of subsidies. Though there is a recognition that the goose that once laid the golden egg is no longer around (MTO dollars), and that OC Transpo can't go



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back to the Ministry to pay for wage or bargaining agreements. With respect to fare increases, the union notes that there are annual fare increases.

22. The presence of the International Vice President provides a sober second opinion regarding union strategy and tactics. Further, there is a belief that the employer recognizes the presence of an International Vice President and that the union is serious by bringing in their generals. On the issue of whether the strike fund is significant in determining whether the members will go on strike, there is a belief that this is a non-issue. In fact, \$50 provided after two weeks on strike is not seen to cause or prevent strikes.

23. The HRP consultants reviewed the ethnicity question and were advised that over the last 10 years the composition has changed from a predominately white male workforce to more visible representation by other ethnic groups. Currently, there are more than 60-70% Francophones at OC Transpo; and the maintenance department is 75% Francophone. There is a clear understanding that the trade union must be sensitive to the Francophone related issues and concerns. In addition, there is also a commitment to French language communication, which is essential to the internal operations of ATU Local 279. The union notes that there are also a Black and Pakistani caucuses formed within the union. With respect to whether visible minorities seek out

and participate in the union structure, there is some indication that ethnic groups do not participate actively in the trade union, but when there are issues which affect them or they are in trouble, they seek out the union immediately. It was also noted that ethnic groups are not active trade unionists, and there is a sense that perhaps the trade union is not their political vehicle.

The transit union also expressed concern about employment equity and the potential impacts on seniority and contract provisions which are driven by seniority. There is a belief that self compliance has worked citing that employment equity may not have voluntarily worked in the private sector, but that in their neck of the woods, OC Transpo has had immense success. If the profile of the workforce has changed on a voluntary basis, legislated employment equity may cause more organizational chaos than any limited benefits it may offer as well as disturb the collective agreement provisions driven by seniority.

24. The HRP consultants were advised that OC Transpo has hired more women over the last 10 years, but noted that women have some difficulty meeting certain tests with respect to physical demand analysis i.e., lifting, back, etc. At present, there are 20 women working in the maintenance area and 100 women working as operators. This is contrasted from 10 years ago when there were hardly any

women represented in maintenance and operations. There has also been an influx of ethnic women, but they have had no discernable impact on collective bargaining. It was noted that some of the issues women championed related to uniforms, maternity and special leaves. Now, ATU Local 279 has had a number of male members seeking paternity leave. No argument is made that men seeking these leaves is a result of women in the workplace. In fact, the union believes that members are more aware of recent legislative changes which have provided men with similar rights as women with respect to child care leave. There is also an awareness that women have unique family and personal concerns that warrant special leave. The union believes that the employer is a little more considerate and sympathetic towards women as employees. The employer tends to be ultra sensitive to women related issues and pressures which make them unique compared to their male counterparts. Though, there are some bargaining unit members who believe women should do the same work as men, which means no preferential treatment or accommodation. In addition, the union believes that there is no overt sexism or harassment towards women workers, and that internal programs are in place to prevent and monitor any abuses. There is also a belief that women have the same opportunity as men, and in fact, perhaps women are holding more visible positions. Clearly, the corpo-



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rate culture has changed. One of the reasons that OC Transpo has succeeded is that they have an active employment equity committee and an affirmative action coordinator. See HRP family work conflict section.

25. With respect to visible minorities, the transit union believes that more designated groups will be promoted. In terms of the employee age distribution, during the 1970's there was a lot of hiring, and that the average age of the employee's is 40-50 years of age, and greying. Since seniority drives many provisions of the collective agreement, junior women complain about seniority because of work schedules. This phenomena is not a gender issue, since this issue has been frequently cited as a concern by all junior employees throughout the transit industry. As they progress in seniority, they then begin to enjoy the privileges that seniority provides in terms of work schedules and vacation periods. The union also recognizes that the bargaining interests vary depending on the age group, and length of tenure. Pensions are a big issue for members, and at one time the employees solely funded the pension plan. Now it's based on matching contribution. The union also has a seat on the pension committee.

26. With respect to the involvement of consultants and lawyers in collective bargaining, the union has never seen an outside consultant or lawyer in negotiations. There is also a level of

satisfaction regarding the protections offered by Federal labour statutes.

27. The HRP consultants were also advised that members are at a point where they don't know what more to ask for, and have perhaps reached a comfort or satisfaction level with the package of wages and benefits. But there are always amendments and improvements which must be made. The transit union is also intolerant of abuse of absenteeism, and a belief that the employer is fair to employees. The long standing relationship with OC Transpo helps resolve outstanding issues. Ironically, transit workers are also intolerant of fellow employees who abuse absenteeism or provisions of the collective agreement. As well, members are acutely aware of the costs of arbitration or litigation. The union would also invoke the assessment rights it has in the constitution which permit the transit union to surcharge members for additional costs of litigation. The spectrum of litigation costs range from WCB, Arbitration, Human Rights, Labour Board, and potential civil proceedings.

28. The transit union also advised that union members have a very important role in contract ratification and scrutinize every package brought back to them. They also have no hesitation rejecting a package if they have concerns. In terms of political opposition from members in the ratification process, the union leadership recognize that they must also address and stick

handle around the opposition and address all concerns. In fact, the union goes to great lengths to ensure that they don't get outflanked by opponents, who may have a greater interest in seeking higher office, versus a real disagreement with the contract. It's a balancing act that the trade union takes quite seriously, so never to be caught off-guard. In terms of union leadership stability, there was a period when there was a high turnover of elected representatives. The last several years have witnessed more continuity in the leadership, which has benefited the union in comparison to some ATU Locals who have dumped Executive Boards with regularity over the last decade.

LABOUR RELATIONS - NIAGARA FALLS ATU LOCAL 1582

Mr. Ray Desormeaux is President of ATU Local 1582 and is currently serving the 2nd year of his 1st term. He has also been a shop steward, and currently establishes union policy and directions, as well as dealing with grievances, health and safety and collective bargaining. As President, Mr. Desormeaux is being consulted by the employer more frequently, though admits that the transit union had to press the issue before there was action.



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1. A collective bargaining relationship has existed with Niagara Falls for considerable time. In fact, Local 1582 was certified as the bargaining agent in 1972, and previously was under the St. Catharines ATU Local 846 bargaining unit. The Niagara Falls section left the St. Catharines ATU Local because of internal frictions and wanted to be independent and not a orphan in another larger local union. For over twenty years the transit union has had its own local union status, though the size of the membership, and the financial limitations being a small local union, clearly restricts the trade union's involvement in a number of vital areas. Maintenance, and operators are also part of the same bargaining unit. Secondly, clerical, collectors, inspectors, and para-transit operators are not within the scope of the bargaining unit.

2. The HRP consultants were also advised that between maintenance and operators, the operators drive the bargaining objectives, as well as setting the tone and priorities of collective bargaining. The transit union also believes that municipal transit is an essential service, especially since Niagara Falls is a tourist area. The union believes that transit is as essential as fire, police, and health care, but does not accept the notion that essential services should necessarily have restricted bargaining rights i.e., mandatory arbitration versus right to strike.

3. In terms of the union bargaining

team composition, the President/ Business Agent, Financial Secretary, and Steward, are the 3 individuals who participate. The President is also the key decision maker in the demand setting process, and solicits actual proposals from the membership. The negotiating committee reviews the membership proposals and using a scale of 1-5 rank the importance and political priority of issues. They don't use consensus scoring. The President also recognizes that motivation tactics are important, noting that other individuals must think and take ownership of ideas, whether or not the President plants the seed. The President encourages this approach with a belief that autocratic driven organizations disenfranchise many union members who then cease to contribute 110% and go through the motions. The HRP consultants found that this level of organizational astuteness was quite remarkable, given the fact that Niagara Falls is one of the smallest, perhaps smallest ATU Local in Ontario. And this clearly demonstrates the inequity where some transit union officials who warrant additional resources, have no effective means of accessing money for training and related support service purposes. Sadly, this is not on the basis of ability, but sheer economic reality that small locals sometimes require financial support to conduct research, and do not want to be at the mercy of lawyers.

4. The transit union also uses International Vice Presidents for input

in negotiations and the ATU Canadian Council. In particular Mr. Ken Foster is an important asset and resource to the small locals and is continually assisting them with their various needs. The union also notes that the Local 1582 grew out of a membership that had a philosophy of "every man for himself". With considerable difficulty, the President is changing the attitude and culture of the membership so that they understand the concept of solidarity and sticking together. The fractured membership is believed to be the product of years of collegial relations between former union administrations and Niagara Transit, and a general disinclination to let the union get involved in activities outside of negotiations and grievances. The union also finds that there is no real internal politics among the union executive, but recognizes that it exists on the property. Another concern is the fact that misinformation is a continual source of membership strife, whether employer or union initiated. The union has attempted to remedy these deficiencies by communicating more frequently with the membership via newsletters, notices, and one-on-one discussions. The HRP consultants believe that more regular communication is essential, and that the union must ensure this becomes a priority.

5. With respect to the issue of local politics, the President felt that transit management were undermining union suggestions with respect to health and



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safety and collective bargaining, and went directly to the Mayor, and on appeal, the Mayor intervened and straightened the situation out.

6. In terms of the history of negotiations, all collective agreements have been settled without a strike. And in terms of the last issues remaining on the table during negotiations, the union typically seeks amendments to probationary employees and the Falls Shuttle service. The union also notes that if a strike did occur in the summer, it would be an economic disaster and that Niagara Transit would have difficulty sustaining the viability of the organization in the event of a labour dispute.

7. The HRP consultants were told that the transit union fully supports the concept of arbitration at impasse in negotiations, and that a strike would be a last resort. Though the union noted that if the issues were important enough, they would not hesitate in exercising the transit union's ultimate sanction. The union also notes that one of the problems with Niagara Transit is that transit is run like a business in the sense that service must be financially viable, and that Niagara Transit service is designed with an entirely different set of assumptions i.e., profitability.

8. The transit union also has strong attachment to the right to strike and believes that this ultimately balances



Transit Windsor, union president Paul Lauzon refurbished this 1966 tow truck which is currently in active service hauling abandoned buses back to the garage.

the power between the parties. As Ray Desormeaux stated, "365 days a years we (union) are second class citizens, it's only at contract time that we have equal roles. Only then do the dynamics change enabling the union to have equal status with the employer." In addition, the Niagara Falls collective agreement contains a provision that arbitration will be sought before a strike would be called. The union also notes that the International By-laws call for arbitration to be offered before the union becomes eligible for strike pay.

9. Transit union officials also believe that transit workers are not that militant, and that the leadership of the

union are more militant. With respect to wage comparators, the transit union does not use comparison's with local public employees, and doesn't know how to go about compiling these statistics or whether they could benefit from this information. In terms of local wages rates, the union has no sense what the general wage levels are in the prevailing community. There was a strong sense that in relation to other transit properties, the union knew their overall rank in the pecking order i.e., somewhere in the middle. Though noted that when they were part of the St. Catharines ATU Local the wages were comparable to the TTC and ATU Local 113. With respect to comparable



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sized properties, the union sees itself a little ahead of the other organizations. With respect to benefits, the transit union believes that benefit levels must be similar to other civic workers, yet is unable to verify whether they have seen such data. Clearly, other transit properties are the most important comparators in terms of wage and benefit relativities. The HRP consultants believe that there is a requirement for more information sharing between the municipality and transit union. This kind of information is not contentious or confidential and should properly be part of the free flow of information between the parties. No strategic advantage can possibly be compromised should one party or the other make available this information.

10. The transit union was also asked to determine if the transit property is a trend-setter, and noted that Niagara Transit operations clearly are not. But that maintenance has a unique contracting-in program which services over-the-road buses for profit. The HRP consultants have reported on this issue and find that this represents a remarkable innovation and approach to marketing services which is absent in larger transit properties. Given the declining state of public transit, there exists the very real possibility of using the equipment and expertise at one transit property to service the maintenance needs of other transit organizations. Though it is noted that this kind of resource sharing only works if excess

capacity exists to service new contracted work, and whether there are political objections with respect to union jurisdiction. This situation is clearly distinguishable from the resource sharing concept being considered by the Transit Integration Task Force. The union also notes that they are neither the trend setter or follower with respect to other civic employees.

11. The transit union also has no COLA provision currently in place.

12. With respect to the issue that work rule provisions common in public transit limit managements hands and harms system efficiency, the trade union doesn't buy that statement. The union believes that management has dictated since the beginning, and that the union has had very little role or impact. If transit has flaws, then clearly transit management must be held to a higher standard. Secondly, if there is a belief that the system is inefficient, the scape goat is not the transit union and the working conditions of the collective agreement. In fact, the union objects to being dragged into debates about inefficiency, since they have had so little input into transit. Whatever mess transit believes they are in clearly was not product of the trade union. In fact, the union will not take ownership of the "organizational deficiencies" and has long argued that there are operational concerns of importance to the transit union and members. For instance, the trade union has strong

objections to probationary and Falls Shuttle language in their collective agreement which is detrimental to the interests of a viable public transit union. In particular, there are too many exclusions of transit personnel (para-transit, Falls Shuttle, probationary employees), which fractures and lessens the potential members who might otherwise fall within the scope of the ATU Local 1582 collective agreement.

13. In terms of the types of issues which arise with considerable frequency, the transit union noted that part-time workers are becoming problematic and that management are quite insistent that they need them. On the other hand, the transit union has problems with school runs, para-transit and probationary employees. Niagara Transit wants to expand the Falls Shuttle service, and is waiting for the transit union to challenge jurisdiction. Another concern relates to the fact that the union documents concerns and proposals, but that the employer has failed to formalize contract proposals in writing.

14. The HRP consultants also reviewed the issue of labour relations and found that the transit union is becoming more frustrated and may explore other options to address concerns related to outstanding issues between the parties. The union is also concerned that tummy-rubbing exercises are becoming all too frequent methods of dealing with the union's con-



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cerns. This relates to treatment by management, as well as International Vice Presidents, and the union rejects this paternalistic treatment. On the other hand, the union also noted some progress has been made since transit management is starting to cooperate, and the transit union is going to wait and see if there is a real transition. The union would really like to see better relations between the parties, and noted that this would improve morale and productivity.

15. The HRP consultants were also advised that legitimate cooperation must become the culture of union management relations. Union demands for a more important role in decision making makes sense, and in light of the Social Contract, it's obvious that new cooperative approaches are mandatory to survive in our rapidly changing economic environment. The trade union believes that they should be consulted whenever major changes are contemplated to the system. The rationale being that the union has a unique operations perspective and there are instances where management proposals and ideas sound good on paper, but are unworkable in reality. It's that kind of operational consultation which must become institutionalized. In terms of impediments, the transit union believes that transit management harbour some antiquated notions of authority, and that trade unions cannot be part of a co-determination model.

16. In terms of the right to strike in

the public sector, the transit union believes this is a fundamental fabric of equalizing the imbalance of power that exists between the employer and trade union. In fact, the union believes that all public sector workers should have the right to strike. With respect to transit status as a public service, transit union officials believe that it's not a priority with City Hall. The central concern of the transit union is that the system is viewed strictly in the context of liability and profitability. And not that this doesn't happen at other transit systems, since it does. The union concern is that service which generates revenue is a top priority, and money losing service is the poor cousin in the organization without any overall realization that some service, although unprofitable, is essential to the integrity of the entire system. As a result of transit management's fixation on revenue generating activities, there is a diminished concern for the overall viability of public transit which negatively impacts on the transit dependent public.

17. In terms of the relative bargaining power in public versus private transit, it was conceded that transit unions have more leverage in a publicly administered system. In addition, it was noted that Niagara Transit is operated as a Commission.

18. The HRP consultants also reviewed the issue of sessional employees with the transit union and found

that there are statutory provisions for certification of these employees under the Labour Relations Act:

A. The amendments to the Labour Relations Act, which came into effect on January 1, 1983 have changed the application procedure.

Now, under section 8:

(1) Upon an application for certification, the Board shall ascertain,

(a) the number of employees in the bargaining unit on the certification application date;

(b) the number of those employees who are members of the trade union on that date or who have applied to become members on or before that date.

If the membership support is between 40 and 55%, the Board shall order a representation vote. (s.8(2)).

If the membership support is over 55%, the Board may order a vote, but under most circumstances there will be automatic certification. (s.8(3)).

As well pre-hearing votes are still available under s. 9 if a union files membership evidence representing at least 35% support.

19. The Niagara Transit Commission also employees school bus drivers who are part-time employees working from about 15-18 hours per week. They are unorganized.

Some of the drivers are brought in, from time to time, to cover for employees who are absent on sick leave, or when the work load increases.

The transit union believes this



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could be a violation on the grounds that bargaining unit work is being improperly assigned to non-unit employees. They are in effect depriving bargaining unit members, or potential members, of work. While the union believes that they have a grievance, the HRP consultants believe that the best long term approach to preventing this loss of earnings to union members is to ensure that they are organized.

In the bargaining unit there are currently 33 employees (11 in maintenance and 22 in the transit operations) but when you consider the temporaries and other employees eligible for membership there are at least 60 employees or more in total throughout Niagara Transit.

20. The HRP consultants were also advised that transit management adopted a practice of terminating or laying off probationary employees for a short period of time and then rehiring (or recalling) them.

The union also stated that one employee who has been employed for about six years in total is still a probationary employee. Two other employees for about 4 years. The union alleges these issues are grievable on the grounds that it is a unreasonable and discriminatory application of the agreement. The HRP consultants believe these kinds of outstanding concerns negatively impact on the parties ability to meet the challenges of the future in a cooperative and meaningful way.

LABOUR RELATIONS - WINDSOR ATU LOCAL 616

Mr. Paul Lauzon is President of ATU Local 616 and was recently elected President in the spring of 1993. He also has held other responsible union positions over the last six years and has been involved in grievances, collective bargaining, health and safety, and pensions.

1. Local 616 has been the certified trade union representing transit workers since 1914 and has been the only union to represent transit workers. Currently, all employees except management personnel and inspectors are within the scope of the bargaining unit.

2. The HRP consultants were also advised that there have been no recent campaigns to decertify the ATU as the official bargaining agent or no threat of a union raid. Though there is occasional grumbling among transit workers that they might be better represented with a union that has a more lucrative strike fund. These comments were found to be related to transit workers frustration over the transit strike which occurred in 1991 which is still fresh in their minds. The strike lasted approximately 10 weeks.

3. The ATU believes that it's fundamental, especially in small transit prop-

erties to have maintenance and operations in the same union. The transit union also views public transit as an essential service, and the employer to a lesser extent. Transit union officials also believe that they are at the top of the municipal services pyramid i.e., fire and police - but note that there is little liaison between trade union officials representing transit, fire and police.

4. The HRP consultants were advised that the composition of the union bargaining committee is typically composed of the President, Vice-President, Financial Secretary, Operator and Garage Committee person. The President is the key tactician and has a broad latitude in establishing the direction, tone, and strategy of negotiations. This occasionally means that minority rules. In contra-distinction, the current President cites the 1991 Windsor strike where former President Ron Seguin was against going on strike, yet 4 bargaining committee members favoured a strike. The new President under his leadership style believes that the 1991 strike would not occur again under similar political circumstances.

5. The transit union usually requests that an International Vice President attend negotiations. The protocol requires that the local union advise Washington of their need or desire for an International Vice President, and they dispatch or assign one of 3 Canadian representatives. In fact, the



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transit union will usually suggest their choice of International Vice President, and their selection will to a great degree be predicated on the respect that is accorded to the International Vice President by management and union members. In fact, the transit union believes that personal chemistry and credibility are the key considerations when selecting their International representative in negotiations.

6. The HRP consultants were advised that local politics within the transit union doesn't override the primary goals. It was noted that without care and consideration of opposition and undercurrents of political opportunism, this can present a real threat, both at contract time or whenever issues arise on the transit property affecting bargaining unit members. The trade union leadership also recognize that this type of expression, although sometimes misguided and self-serving is legitimate, constructive, and can be healthy. It is also recognized as the necessary checks and balances of union democracy and forms an essential part of the renewal process of trade union leadership.

7. The transit union will also go public should normal bargaining channels prove frustrating or at impasse. Very recently the Windsor union was denied an opportunity by the Transit Commission to speak to concerns regarding public transit. As well, the City of Windsor denied the union the

right to have deputant status to address Windsor City Council, whereby the City Solicitor advised the transit union they wouldn't be allowed to address the Councillors. The transit union finds this situation repulsive and a fetter on their right to represent transit workers and to speak on public policy matters, which is believed to be a general censorship of the trade unions voice.

8. The HRP consultants were also advised that the recent bargaining history produced the following results i.e., 1981 - strike, 1986 - lockout, 1991 - strike. All other agreements were ratified without union sanction. Some of the key issues remaining unresolved at point of impasse are part-time workers, working conditions, concessions and COLA. The pension issue usually doesn't surface in negotiations and is handled by the joint pension committee established between the parties. In respect to the length of a labour disputes, the trade union noted that in 1991 they sustained a 10 week strike, and utilized all mediation channels. One of the concerns expressed was the timing of the expiration of the collective agreement, which expired on February 28th. The implications are that by the time the parties engage in further negotiations and mediation efforts, the trade union is at the strike juncture during the summer period. This is when ridership levels are down, and the transit property can more easily sustain a labour dispute. The transit union also believes that a union sanc-

tion cannot be used indiscriminantly and is only successful when the transit property is relatively healthy. It was noted that when ridership is down, a strike only hurts ridership and the public, and that the employer continues to get paid. There is a clear recognition that the transit union has less leverage in bad economic times. On the other hand, when the transit property locks-out the employees, the transit union believes there is a 50/50 onus that should be shared by the parties. In fact, the transit union believes that in a lock-out situation both parties should pay the price of labour unrest, and that nobody get paid (management/union members).

9. The HRP consultants were told that transit management sometimes make movement on certain issues, but take advantage on others. There is a recognition that transit management has a broad right to barter, and offer any quid pro quo that it believes in their interest. It was also noted that the current collective agreement contains a COLA provision. In addition, the union was asked whether they exercise the ATU International Constitutional provision that contemplates arbitration at point of impasse in negotiations. In fact, the transit union advises that they have offered arbitration as an option to a transit strike but the employer refused. The transit union was also asked whether the presence of a contractual or legislatively imposed requirement to arbitrate such disputes



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influence the likelihood of achieving a negotiated settlement? They responded indicating that arbitration might not change the dynamic in light of the history between the parties, and believe the employer would only exercise the arbitration option when it serves the employers interests. There is also a trade union concern that if the parties exercise arbitration too often, this makes the union lazy and complacent. In fact, the trade union has some limited experience with arbitration in which leftover issues at negotiations go to arbitration. The impression of the transit union is that they have fared poorly in arbitration. With respect to the issues of mediation, the transit union also cites poor success in this dispute resolution forum, and believes that the quality and attitude of labour mediators is poor (Ontario Ministry of Labour). On the other hand, there is a recognition that the big names in the business are good, but also, individuals who know the transit industry, transit issues, parties, and the unique provisions in transit collective agreements:

10. The HRP consultants reviewed the level of militancy of transit workers and determined that if 1 is militant, and 5 represents non-militant, then transit workers are typically middle of the road. Similarly, transit union officials mirror the HRP consultant findings of the local union membership.

11. On the issue of wage and benefit relativities, transit union officials

believe that wages and benefits compare favourably with other civic employees, though it was noted that meter maids earn more money than transit employees. On the whole, wage and benefit packages are comparable to skilled trade wages in the broader community, and for comparable classifications in the private sector, although no empirical data was solicited by the HRP consultants to verify the transit unions statements. On the issues of benefits, the transit union retained Mr. Roy Rastrick, a noted specialist in the area of employee benefit plans. His review of the ATU Local 616 benefit plan indicated that transit is starting to catch up with benefit levels of other municipal groups, and indicated that benefit costs are still running below 5% of payroll costs. The concern of the pension consultant is that there is insufficient contribution to finance benefit packages that are common among municipal workers in Windsor, and Ontario generally.

12. The HRP consultants also found that there is no rule of thumb that transit workers receive the municipal wage pattern, which is common in other Ontario transit jurisdictions. In fact, a whip-sawing process ensures uniformity of wages and benefits in other jurisdictions. This creates a sense of equality, and prevents me-too and catch-up arguments which can lead to perceptions of injustice and potential labour difficulties. Conversely, transit union officials indicated that they don't nec-

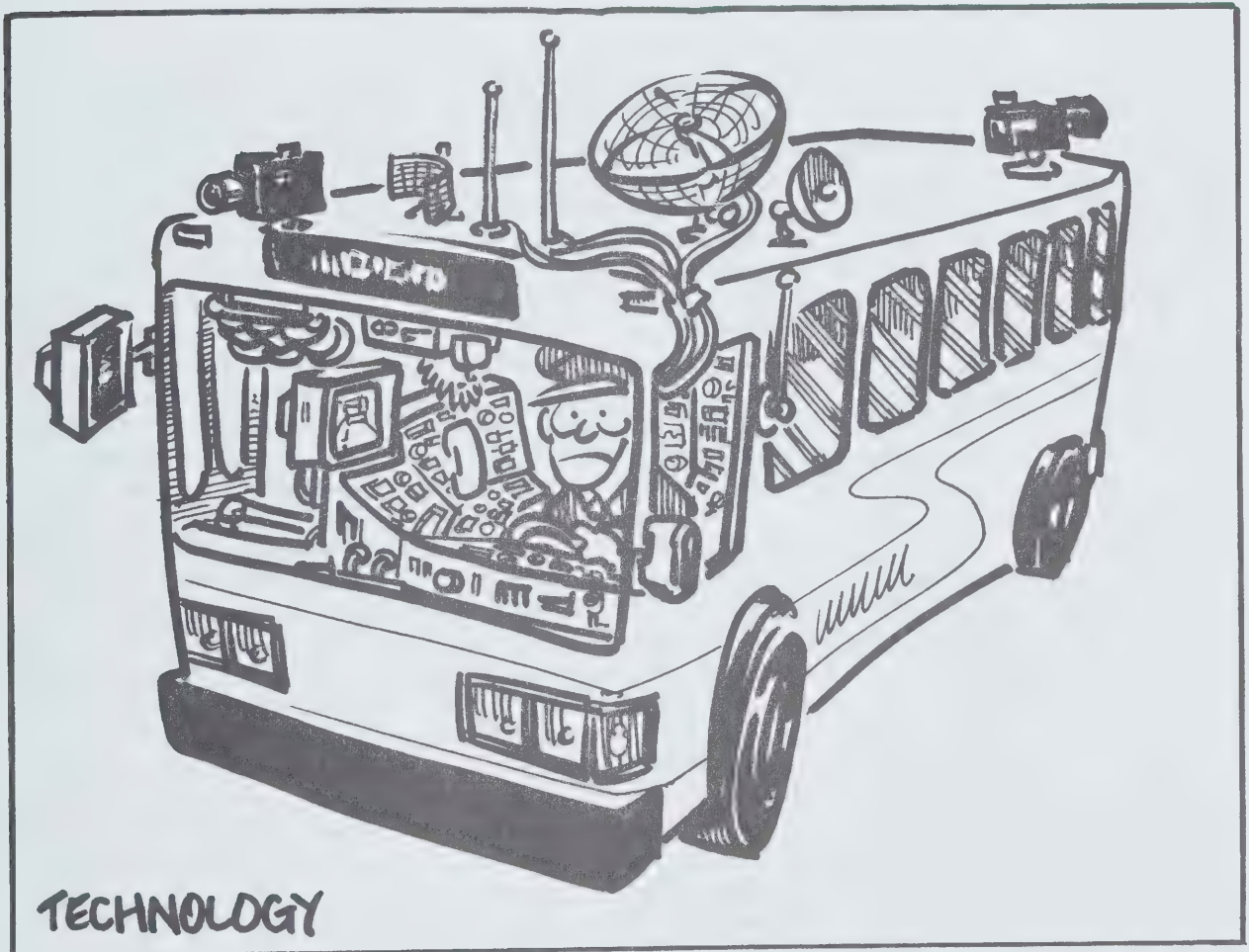
essarily follow a municipal pattern, but find their own comparators which are usually outside workers, mostly from the public sector.

13. On the issue of COLA the collective agreement contains a provision which was negotiated during the 1981 strike. Although it was noted that during the AIB (anti-inflation board), the COLA was frozen as a result of legislation. Currently, the COLA is dormant, but remains in the collective agreement in the belief that it can be resurrected to trigger if the trade union deems the issue a priority; noting that if a COLA wasn't in the collective agreement it might be difficult to negotiate in today's environment.

14. The HRP consultants also reviewed the issue of work rules and whether they limit managements ability to manage the system efficiently. The transit union doesn't believe that work rules are excessive, but notes that transit management continually want to visit the issue of the guarantee which guarantees that transit workers receive 37 1/2 hours, but cite that some workers are only productive (working) 20 hours. The union believes that a great deal of the onus rests on poor scheduling and bad management. The HRP consultants were told that transit management may be miffed by these criticisms, but control and the direction of the operation is within the ambit of management rights. As a result, transit officials want to reduce the guarantee



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to provide pay only for the hours that are worked. With respect to other troublesome provisions, the union notes that transit management want complete flexibility for personnel deployment i.e., move employees around the entire facility.

15. Transit union officials also noted that non-productive issues are not nec-

essarily resolved at collective bargaining. In fact, they note that non-productive elements within the transit operation have been dramatically reduced in the past 4-5 years as part of an on-going process of dialogue. There is a belief that unproductive hours stem from managements inability, because all the bargaining employees are skilled, and competent, so that there must be other

forces at play in the productivity boggy man scenario. For instance, the union cites the issue of supervisors/foremen who are responsible for direct supervision and makes a link that these individuals should shoulder the blame. Both in terms of morale, and in terms of the necessity to have "pushers" hired to motivate workers. The union notes the contradiction, using the example of



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statutory holidays and vacation periods, where without a conspicuous management presence the transit system basically runs itself. The fundamental premise of the union's assertion is that "transit workers know their jobs" and do not need a monkey on their back to remind them of their place in the organizational hierarchy.

16. The HRP consultants also reviewed whether there were any issues which were viewed inappropriate for bargaining. Transit union officials noted that "pension issues" are not suited to collective bargaining because of the unique joint union/management structure in place which addresses the administration of the pension plan. In addition, since the pension issue is in everybody's interest, the trade union believes that there could be a detrimental impact on the quality of pension decision in an adversarial model. Since all the parties are wearing essentially the same hat on the pension issue, decisions are made without the typical acrimony and rancour that collective bargaining produces. Clearly, this issue befuddles the HRP consultants, and warrants further exploration why a separate structure dealing with pension issues works more harmoniously with a perceived commonality of purpose than other collective bargaining processes.

17. In terms of new issues and concerns that have appeared in negotiations, the transit union cites the concern for job security as being impor-

tant. At one time, no one ever contemplated the notion of "job security" because transit was viable and growing. Unfortunately, the situation has changed, and transit workers feel vulnerable and uncertain about the future prospects for public transit. On the flip side of the coin, the union also notes that the transit property has become more zealous and focused on their need for part-time or temporary employees which rears its head with more frequency.

18. In hindsight, the union sadly recognizes that Transit Windsor has perhaps the worst labour relations track record in Ontario. Some of the reasons relate to outdated management and union attitudes. The union believes the problem relates to an outdated adversarial labour relations model, which can be identified, but changing it seems next to impossible. The root problem is trust, because when one party proposes change, the other reacts negatively, thus the parties tend to revert to retrenched positions spewing forth rhetoric to save political face. And the viscous cycle begins all over again, issue after issue. In fact, the union believes that transit management have difficulty working in an egalitarian mode, believing that management cannot get away from the belief that they are higher than the union on the political totem pole. As a result the union is unable to achieve equality on any issue (except pension) which could be for the common good of both parties.

Some of the issues which the union believes could produce better labour relations relate to job security provisions, limits on contracting out, job descriptions, and an active COLA.

19. In terms of the future of labour relations, the social contract appears to be the future, though the union noted that some reconciliation is possible if the parties could become legitimate partners, and not adversaries. The union doesn't enjoy the outdated approach and finds it frustrating and counter-productive given the real challenges that face public transit. In addition, the union believes that Transit Windsor must begin to stabilize itself, and get a full-time General Manager that knows transit, or else the system is doomed. With respect to the future of transit labour relations, the union believes that less arrogance, honesty, legitimate communication, less corporate games with middle management, and a greater role and voice for the trade union will provide the necessary impetus to change labour relations for the better.

20. The HRP consultants found that the transit union strongly agrees that public sector workers should have the right to free collective bargaining. Transit union officials strongly agree that public sector employees with the exception of those workers directly engaged in protecting public safety and health (police, fire, and prison guards) should have the same right to strike



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possessed by private sector workers. Transit union officials also disagree that because the profit motive is absent in public systems that there is little chance for efficiency. And finally, transit union officials agree that trade unions tend to have more relative strength in publicly administered systems than under private ownership.

21. Transit union officials also noted concern about their current Commission structure, which has alienated transit from the municipal corporate family. This has produced negative effects for the transit union in terms of linking transit issues, either financial or political, back to the ultimate political decision makers. In other words, although transit may benefit operationally under a Commission model, as was indicated at other transit locations that have a Commission, the concern really turns on the issue of politicians being buffered and protected by a Commission which can work at arm's length from City Council and isolate the trade union. The HRP consultants after reviewing the transit unions concerns believe that there is ultimate political control exercised by City Council, but that the transit union is frustrated by attempts to gain access to address City Council, which is a right granted to every citizen and organization, subject to by-law compliance with respect to notification protocol.

22. The HRP consultants reviewed the level of familiarization regarding

funding sources and were told by transit union officials that the R/C target with respect to provincial municipal subsidies has been a friction point with the transit union. The transit union believes that over the last several years the City Council was chiseling on there % contribution to transit funding. In fact, the transit union feels that the City was always the last one to contribute their funding share, and cite concerns where the former General Manager of the Windsor Transit won awards for financial wizardry which minimized the amount of municipal contribution for public transit. The transit union also notes that there have been revenue and ridership shortfalls, and that the Acting General Manager has tried to stimulate ridership on Tuesdays i.e., 50 ct. rides in off peak periods. In addition, the transit property has also had extensive service cuts and layoffs. One of the main concerns of the union is that they do not fully understand transit funding, and require an education program which explains the financial role played by all levels of government, as well as policy guidelines relating to capital and operating funds.

23. The HRP consultants also investigated whether or not operating/capital subsidies has been relied on as an argument for wage demands. The response of trade union officials is that they never use receipt of subsidies as sources of money to justify wage demands. In addition, the transit union bargaining strategy is not influenced by

the "fare" issue, which is not viewed as a funding source for collective agreement wage increases. Conversely, the union has concerns with management poverty arguments. For instance, during one set of negotiations the employer pleaded poverty, then after the contract was ratified, transit management bought squad cars for supervisors, the General Manager leased a new vehicle, plus the procurement of other new equipment. The HRP consultants were told that the Ministry of Transportation must make available to transit unions vital information regarding transit funding, on request.

24. The transit union also noted that the International Union sends an International Vice President on request of the local union. Further, the ATU Canadian Council also provides support and assistance on a request basis. Further, the control of strike funds and the amount of strike pay has no bearing on union negotiations or bargaining strategy, especially a strike option.

25. The HRP consultants also reviewed the issue of the ethnic composition of the workforce. The transit union is of the belief that there has been no significant change regarding the representation of visible minorities in the workforce. Further concern was expressed that the workforce profile doesn't reflect the ethnic composition of the community. Additional observation indicates that no "physically challenged" workers have been hired. The



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union also noted that the parties have a WCB modified work committee which has met only once, and has since become dormant. The concern being that the transit property is not working in the spirit and intent of the WCB modified work program. The concern of the union is that poor hiring practices are at the root of many organizational problems. As well, shortages of designated groups and ethnic caucus' within the transit organization and transit union are a reflection of hiring practices; and since hiring is a "management right" the composition of the workplace is a direct result of who management brings through the door.

26. The transit union notes that more women have been hired in the last 10 years, and that their presence has not affected labour relations. It was also noted that chauvinism exists in the transit system as is a result of a male predominated workplace. Another example is that there are no women on the Transit Commission, and only one woman in senior management, and none in middle or lower management. The union believes that the absence of women is part of a systemic discrimination problem.

27. In addition, there is an acceptance that the workforce is getting older, and the union members seek benefit, pension, and early retirement packages as key bargaining demands, whereas younger workers seek wage improve-

ments. This is consistent with concerns expressed to the HRP consultants through their deliberations with other transit union officials.

28. The HRP consultants were also told by transit union officials that obtaining documentation and vital information in which to make day to day, as well as bargaining decisions is continually withheld from the union. In fact, the union cites situations where mediators have to seek and obtain information from the employer. The HRP consultants reviewed the situation and believe that one remedy available is for transit unions to exercise greater diligence in exercising their rights under the Freedom of Information Act (municipal/provincial) in resolving any disputes with respect to disclosure and production of documents. The HRP consultants found that although "Freedom of Information" provides some measure of recourse, there is an associated delay with respect to turn-around and approval processes. So that an organization which requires immediate information may be frustrated by the delay. As well, there are provisions which allow for extensions of time, further aggravating the situation. In the final analysis, the HRP consultants believe that "information sharing" must become the hallmark of successful transit negotiations, as opposed to rigid bureaucratic means to obtain public information. Whether or not the

"requester" is a trade union should not be the mitigating factor whether a public agency chooses to disclose or not. In fact, the HRP consultants found that some municipal organizations believe some strategic advantage has been compromised by providing transit unions with information. On the other hand, the experience of transit unions after receipt of public records/documents is usually met with satisfaction. Public institutions must recognize that protecting their narrow institutional interests are not in the long term interest of better labour relations. For every information request that is frustrated or denied, another layer of the labour relations onion is applied. And at some point in time, the combination of frustration and interference will spill over into the collective bargaining environment. At that time, mediators, media, management, and the public, attempt to grapple with peeling back the layers of the onion to resolve what may or may not be a fairly simple issue in dispute. But the entirety of all the political baggage which has accumulated between contract talks can prove more destruction to labour relations than the immediate issues in dispute. Accordingly, the HRP consultants recommend an educational program to acquaint transit management and transit unions with the rights and obligations of both parties under the "Freedom of Information" legislation promulgated by the Ontario Legislature and under Federal jurisdiction.



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The HRP consultants reviewed the issue of health and safety from worker consultations and review of health and safety records, as well as discussions with health and safety activists. The HRP consultants were struck by several contradictions. Firstly, after visiting numerous and diverse transit properties, and reviewing the experiences of health and safety representatives, a curious contradiction arose. In fact, this contradiction raised many questions, especially whether or not the on site visits by the HRP consultants were a meaningful observation of the current transit operating environment. Clearly, there is no substitute or way to measure the constant exposure to a environmental or working condition experienced by working people unless observations capture the total working time and exposure to all working conditions.

The initial observations by the HRP consultants indicates that the current transit operating environment is not as antiquated and old fashioned as some health and safety advocates profess. Secondly, there is no level playing field in terms of uniformity among transit properties, so no meaningful comparisons can be made between transit properties. Though on a general level, transit properties can probably be categorized into three broad groups i.e., small, medium, and large sized properties. The consultants found that there are similarities among transit properties within these sub-groups.

POSITIVE REFORMS IN HEALTH AND SAFETY

The HRP consultants initial findings indicate that even among the cross section of the various sized transit properties the relative working conditions on the surface appear rather clean, orderly, and much improved compared to 10 years ago. This according to local union representatives involved in health and safety. Secondly, equipment in the garages i.e., ventilation, air quality monitoring, start-up procedures for buses indoors, and various company union policies, clearly have had a positive effect on the current working environment. With the assistance of MTO subsidies, many transit properties large and small can point to many improvements made to upgrade equipment and working conditions. The consultants were of the initial view that these improvements are reflective of 10 solid years of health and safety reform which has changed the working environment in both public and private sector workplaces. In particular, the health and safety committee structure appears to be producing the kind of bi-partite cooperation which is essential to meaningful problem solving.

Without question, the transit workplace has become systematically dissected, discussed, and reformed as a result of a greater commitment by transit management, transit unions, and the Ontario Government, to ensure that

working conditions are as safe as feasibly possible. To be certain, the impetus for this change has been legislative, and partially, enlightenment to the problem of workplace health and safety issues. Whatever the motive, the parties have now clearly begun to accept these challenges with an understanding that improved working conditions can minimize sick days and compensation claims. There is also a recognition of the bottom line related to "health and safety" and the parties willingness to accept the nexus between working conditions and accident and sick claims. It appears the costs have been too great to turn a blind eye. And whether this re-think is a result of financial vested interest or genuine respect for worker dignity really does not matter. For the fact remains that change is occurring and is moving in a positive and forward direction.

VARIETY OF JOB CLASSIFICATIONS

The HRP consultants also reviewed the health and safety issue from the perspective of individuals who have been involved at the local level. From these discussions and various audits of health and safety records a somewhat different pattern emerged from our initial assessment. The consultants confirmed that there are 3 main



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groups within the family tree of transit occupations ie., maintenance, operators, and office personnel. Nor can the transit workplace be characterized as a black and white situation consisting of bus drivers, maintenance, and administration. In fact, nothing could be further from the truth, as the TTC would appear to have every conceivable occupational classification from blacksmith to operator. The consultants were surprised by the scope of occupational classifications in some workplaces. Even further, within the operator classification, there are operators who use different equipment which can also create different health and safety problems. This includes maintenance and skilled trades. The HRP consultants believe that simplistic generalizations between operator, maintenance and office groups can be meaningless, and require that these groups be broken down into sub-classifications. As well, even among different transit properties there is a great variance regarding old and new equipment. In fact, many transit properties have vehicles in active service well beyond 15 years, and concerns still exist that old equipment (buses) are contributing to operator injuries. Many operators were concerned that in the current recessionary environment, vehicle life expectancies may expand. And contrary to current thinking, the answer is not as simple as retro-fitting the aging fleet. In fact, even if the money was available for retro-fits, there is a consensus among transit unions that most properties

won't even engage in a discussion regarding retro-fit. On the other side of the coin, there is a general sense among transit unions that the retro-fit program must be accelerated. The consultants found that among the transit industry, at least 50% of operator injuries are a result of old equipment, and the situation must be viewed in the long term.

The HRP consultants also learned that there are many invisible aspects of the transit operating environment which are hidden. In many respects operators face health risks on the job. Yet, there are aspects to the nature of this work, and lifestyle, which contribute to long term problems. Another problem associated with identification of health and safety problems is that operators workplaces are not stationary, and are in fact mobile. In addition, the operators work environment can change depending on road conditions. It is also generally accepted, and supported by the Better Roads Coalition, that the state of urban and rural highway infrastructure is deteriorating and an area of much needed improvement. Car drivers can also attest to that fact.

TRANSIT WORKERS ARE DOCUMENTING INJURIES

The transit industry realizes that occupational injuries are there, and they are recording them by way of occupational injury forms and WCB

claims ie., seats dropping in vehicles, or injuries because of pounding. Passengers even complain about these environmental factors. Transit unions believe that when passengers start complaining about bouncing and pounding then there is a problem. Another concern also relates to cutbacks, and this typically results in an overall decline in vehicle cleanliness. Transit workers believe that we should have learned from the New York experience. When passengers begin writing in vehicles to "please wash this bus", someone should be concerned. There is also a consensus among transit unions that there has been a 4 year slide. In fact, some vehicles have gone 6-12 months without a major interior cleaning. Further, this is not the fault of workers or maintenance staff, but a result of staff shortages and cutbacks throughout the entire transit industry. This also creates an attitude which ties into the general morale of the employee population. One thing leads to the other, so that when you talk about the general problems in the transit industry, vehicle cleanliness is layered onto the problem.

VEHICLE MAINTENANCE IMPORTANT TO OPERATORS AND PUBLIC

In general, operators are faced with health and safety problems day in



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and out. Some are equipment driven ie., the way equipment is equipped (power steering, braking systems, suspension). Although new vehicles are being introduced, there is a growing experience that new equipment is also going through growing pains ie., failure rate on seats, spring ride seats versus air ride, lack of preventative maintenance, subway trains swaying. All of this results in back injuries, and not putting enough effort to keep vehicles up to par or to the degree you would maintain your car. The HRP consultants were also advised of numerous situations where vehicles have been sent out on the street, although slated for repair, because there was no personnel to fix the vehicles. There is a belief that this creates an overall attitude which permeates within the bargaining unit. A contradiction exists when the transit industry teaches operators about the necessity of horns, turn signals, speedometer then sends vehicles out on the street with them broken. Transit operators indicated that there are certain standards which must be complied with, but also note that there are numerous cases documented where unfit vehicles are sent into service, because when push comes to shove, service comes first. The irony is that when operators are involved in vehicular accidents, vehicle fitness is one of the first aspects of the accident that is investigated.

Minor breakdowns in terms of turn signals, horns, brake lights may seem minor infractions to car operators, but

under the Highway Traffic Act, these violations are quite significant. In fact, the law states that you have to have a properly working speedometer. Operators stated that violations occur with regularity, and indicated that you only get what you pay for ie., in terms of original equipment or preventative maintenance. There was a general belief that if staff and resources are not allocated, then you are not going to get a system running at 100% efficiency. Although, there was a strong belief that the situation is much better than 20 years ago. Further, the consultants were also told that maintenance priorities are becoming secondary to service. On the other hand, many transit union officials noted that they are still arguing with management about sick pay and compensation claims. The concern relating to the fact that transit management appear more concerned with cutting workers off benefits versus addressing why people are getting ill and hurt on the job. Union officials believe that the critical re-think has not been done, nor the strategic assessment of how to prevent these problems which are endemic in the transit industry.

Transit unions don't see modern thinking on the part of management, but express hope that perhaps an enlightened debate is taking place in the back room (with management). Trade union officials are worried about workers being criticized for booking off sick or on compensation, especially when workers are handed vehicles that are literally falling apart. The proof is

the pudding, according to union health and safety activists, citing WCB premiums and lost time rates which are quite high. Those statistics indicate that there are some underlying problems. There are also programs to address absences, and a lot of pressure appears at the centre of these attendance management systems. For instance, the TTC's WAP (work availability program) where after so many absences the worker is called in and hauled on the carpet. In fact, it was noted by transit union officials that not too far back some transit officials used bereavement leave days as demerits in the TTC WAP program. That's not too long ago. It was also noted that reforms to attendance management programs had to be negotiated between the union and management. One TTC employee involved in Health and Safety training indicated that "fellow workers joked that if you had 3 relatives die in a year and had a flat tire, you could be told that you're close to being fired". This supposedly encouraged people not to miss work. To be fair to transit management, their style of supervision has changed, if not throughout the entire transit industry, then at least enough that unions have perceived a shift to more enlightened management style(s). Yet, concerns still persist that the underlying philosophical orientation of management/union/worker relations have changed very little in terms of corporate culture. To make matter worse, the current recessionary environment has caused transit manage-



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ment to be worried whether they have a job down the road. It was noted that an atmosphere of insecurity has also caused management to focus on self preservation versus trying to ensure the integrity of the service and that employee morale is maintained. This may in fact point to a crisis of confidence that individuals have with respect to their relative security in the transit industry. In fact, there may be no immediate solutions to this problem, but yet it is noted that this problem exists at every transit property to varying degree's.

The HRP consultants were also advised that at several transit locations management commitment to health and safety committee's was questionable. In fact, one of the largest transit properties is supposed to have 6 management representatives on the health and safety committee according to the collective agreement. In fact, this particular committee also has 1 secretary assigned. Union officials indicated that it happens quite often that only 2 management officials attend the meeting, and 1 hour later, 1 management official leaves the meeting and the committee continues to function in their absence. Union officials believe that this indicates management's general disinterest in health and safety and the monthly meetings. The union's chief concern is that the location which generates most, if not all, the health and safety activity in this large transit property, is the location where management commitment

appears lackadaisical. Union health and safety officials cannot get over this hurdle. In fact, union officials are confident that 6 worker representatives can deal with health and safety issues unilaterally; but unfortunately, it indicates that there may be less commitment by transit management to make the issue a corporate priority.

HEALTH AND SAFETY ADMINISTRATION IS EXPENSIVE AND CUMBERSOME

Transit union officials are also worried about the incidence of carpal tunnel and back injuries. The transit industry has stacks of these injuries. In addition most claims are not frivolous. It has also be documented that the majority of claims are not for lost time or WCB, but goes to the issue that injuries are taking place in the transit industry and are being documented, if not for the purposes of "claims" payment, then to establish incidence. Clearly, many injuries are taking place which don't result in a WCB claim or taking time off. Transit workers are filing accident forms in case something happens in the future with respect to an injury that develops as a result of a previous work place injury. Health and safety officials

noted that in the corner of the accident forms it indicates whether there is lost time or not. A consensus among health and safety activities indicates that most accident reports do not result in lost time, but are establishing for the record that something is wrong ie., equipment was defective and that this resulted in their back being shook all over the place; or something fell on them; or they fell on something, and they got up and continued. In fact, transit workers are becoming more diligent about reporting accidents even though it involves paper work. Union officials are worried that transit management increasingly refer to this type of form filling as frivolous even though it has not cost the employer any lost time or a WCB claim. Transit workers are increasingly going out of their way to document health and safety concerns or injuries. In terms of overall transit statistics, union officials don't have a clue what the WCB is doing or whether they even understand the unique situation that exists in transit. We will refer later to the problem of the WCB's inability to generate transit specific statistics. To be fair to the WCB, they only know if there is a claim, and many of the injuries are merely recorded on a occurrence form. The transit property keeps these. Workers in the transit industry are by and large not filling in WCB forms. They are in fact filling in forms so that management can record this information.



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VAST MAJORITY OF INJURIES GO UNREPORTED

Transit union health and safety activists believe that the vast majority of injuries are hidden and unreported. Concern also relates to the fact that there is silence on some health and safety issues, and that transit workers after filling out accident forms, ultimately see little flow from their form filing. Transit unions argue this leads to apathy and frustration among transit workers. Many union health and safety representatives argue what's the purpose of filling out forms if nothing in the workplace changes. Transit workers are clearly sustaining injuries on the job, and don't want to get caught in the WCB system, internal transit property politics, or complicated and lengthy vocational assessment; but are clearly willing to take/perform light duty jobs. Injured workers get some accommodation if a long term problem exists, but large transit properties have greater flexibility in providing accommodation. Once outside of Toronto, Ottawa, GO Transit it is more difficult to redeploy an operator because "real light duty jobs" may not be available.

The HRP consultants were told that injured transit workers have begun to exercise their reinstatement rights, and that this must not be confused with the separate issue of "light and modified duty" programs. Transit union officials realize that any additional training for

injured workers requires lengthy negotiation between the WCB, employer and union. Transit unions indicated that the WCB is great in telling the parties what are the preventative measures of worker health and safety, but unable to address the fundamental issue of why these measures have not been fully implemented or embraced within transit organizations.

SMALL PROPERTIES AND LOCAL UNIONS ARE DISADVANTAGED

The HRP consultants also investigated the issue of health and safety in respect to time spent resolving worker complaints and liaison with transit and WCB officials. Transit workers are aware of their reinstatement rights under Bill 162, but are also concerned workers are not obtaining benefits that they are entitled to. More importantly, a gulf exists between large and small transit properties in respect to a local union's ability to respond to a range of day to day problems i.e., contract negotiations, health and safety, grievances, WCB, and union business. The consultants also found that smaller local unions do not have the resources at their disposal to properly dispose of all bona fide injury or WCB claims. In fact, when the consultants examined the health and safety priorities of small

versus large properties, it was discovered that the level of sophistication of the participants (management/union) was determinative in approaching health and safety issues in an enlightened and constructive manner. Yet, the consultants were told by union officials that it is important to examine the nature of each transit organization, the type of people employed, and the age of management personnel. Specifically, concern centres on the fact that many transit organizations are fairly patriarchal with a prevailing corporate culture that has tended to be indifferent to listening to workers. Transit union health and safety officials are worried that health and safety has not found much life outside of the OUTA/CUTA seminars; and it's this inability which management must come to terms with on a operations level. Unions have also asked for more authority in health and safety matters, and a consensus exists that recent legislative initiatives provide unions with more clout. Yet ironically, union's feel that it's an area that management tends to shirk.

To underscore the issue of management attitudes, there is one recorded incident where a transit vehicle was sprayed with pesticide to get rid of roaches. The operator who was assigned to the vehicle got violently ill (sick) in front of 50 passengers and a supervisor. The union health and safety official noted that a supervisor standing around in the office commented that the worker just wanted a day off. It's that kind of attitude at the operations



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level that is frequently becoming a friction point in health and safety matters. Whether this skepticism is warranted, and whether it is acted out of a deliberate attempt to shake out the shirkers versus the legitimate claims remains to be seen. The bottom line is that transit workers are beginning to resent the internal health and safety politics, because of a belief that transit management does not give the worker the benefit of doubt when injured.

ASSAULTS MORE FREQUENT AND BRUTAL

The HRP consultants were also told that communication systems i.e., AVL and CIS oversell themselves and come up short on the real operational benefits and savings that they are sold on. Union officials fervently believe that modern communication systems will not prevent traffic patterns, or passenger attitudes, nor stop somebody from hitting an operator in the side of the head with a brick. In fact, Local 113 health and safety officials indicated that one TTC employee has a broken jaw due to a passenger assault, and he is experiencing difficulty because the jaw is not healing properly. Transit unions in major urban centres note that the incidence of operator assaults has not risen perceptibly, but it's the viscousness of the assaults, even

in broad daylight. The consultants were advised by transit union officials that even in supposedly "nice neighbourhoods" transit workers are expressing fears about working night shift which is fast becoming the number one concern for transit workers. Compounding this problem is that shifts are determined by seniority. Union officials at ATU Local 113 indicated that some workers shake before they start their late shift. In fact, union officials in cities the size of Toronto, Ottawa, Hamilton and Windsor recognize the unique urban problems. Not just teenagers. But the general disintegration of society falling apart around our urban centres, where transit workers are on the front line and are directly confronted and deal with that tension. It's this new dynamic in matters of chance incident that led to a brick in the side of a transit employee's head.

OPERATORS AND INDUSTRY SHIFTING TO CUSTOMER SERVICE ORIENTATION, WITH GROWING PAINS

The HRP consultants explored this issue from the perspective that the operator is also a collector who polices for fare evasion. And if you want to do your job properly, it's recognized that "your number is going to come up"

and your going to get assaulted. In fact, the transit industry has undertaken a very aggressive attitude adjustment program (Transit Ambassador Program) which seeks to create more courteous and friendly transit personnel. In addition, the transit industry has modified recruitment programs to seek employees with a positive customer relations orientation. Transit workers are frustrated because there is a negative presumption against the operator and see the "customer orientation" issue as a patch work solution to a problem, without addressing the fundamental nature of the transit operators work environment and job. Transit operators can't forever let fare abuses (cheating) persist, because in a tacit sense, operators are also the transit system's collection agency. Passenger confrontations although not strictly limited to the above scenario happen often and are frequently unreported, or operators feel embarrassed to report situations. Transit union officials note that there is an inherent risk being an operator, and realize that the extra buck in the farebox, or quarter is a lot of money to some people. The economic times have a bearing on what's happening on the street. There is a strong faith that operators are fairly level headed people able to avert disputes, citing that as the glue which allows the transit system to run, not supervision. Union officials indicated that if you ran the transit system by the rule book, nothing would get done i.e., work to rule campaign which caused chaos at the TTC in 1989.



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OPERATORS CONFORM TO UNREALISTIC SCHEDULES

Another concern indicated by transit unions is the excessive cost cutting eg., run speeds. The current communication systems assumes there is a 3 minute buffer. If an operator is running 2 minutes fast, plus a margin of error of 3 minutes, that manifests itself into a 5 minute schedule deviation which can cause the 2nd operator to be 15 minutes late because he picks up the load left behind. Effective peer pressure appears to keep this problem in check. However, it was noted that operators are independent minded, and headway adjustments are usually accepted by operators, but this results in more stress on the operators. The culture of the industry, and the operator psyche results in a myopic adherence to the schedules ie., get from point A to point B. The consultants were advised that if workers dropped back a little schedule times would be more realistically computed and adjusted. Transit workers have perhaps been their own worst enemy when it comes to establishing realistic route times. Whether through competitiveness or single-minded drive, transit workers themselves have ratcheted up the performance expectation which schedulers and planners have factored into their scheduling programs. Union officials now recognize that you can't lessen the load or time allocated for a route when

you are picking up more passengers, or if the line has a older population. Transit workers cannot be expected to sling older people back and forth on their vehicles nor shouldn't be expected to. It's this fundamental concern about customer orientation and schedule adherence which causes frictions between transit systems and their employees. And the problem is universal in the transit industry.

LOW FLOOR BUS REQUIRES DIFFERENT RUNNING STANDARDS

Another concern that also surfaced related to the concept of transit vehicle maximum loadings (cost/productivity measure), and whether low floor vehicles impact on the maximum capacity. In particular, transit unions want to know how scheduling will take into account changes in less maximum passenger capacity (low-floor buses) and the unique needs of people who require low-floor buses. In fact, transit unions are concerned that the technological fix ie., low floor buses only change one thing ie., the vehicle. Without changing the scheduling system to accommodate these unique operational considerations the transit industry will force workers to use low floor buses no differently than any other bus. Yet, that is in stark contrast to their social purpose.

When union health and safety officials commented about the ethnic issue in relation to health and safety, a general consensus existed that this has not been fully considered or adequately addressed in the transit industry. As well, transit workers are frustrated by the lack of overall standardization of vehicles in the industry.

The HRP consultants believe that all transit industry stakeholder's must make health and safety a corporate priority. And to some extent it is a priority, but needs to be further examined at an operational level to determine environmental working conditions. Union officials believe that it would be nice to have transit workers retire and enjoy their pensions, without back and stress related injuries. There is a sense that working conditions, on the whole, are going backwards. In fact, some union officials worry that the quality of work life is deteriorating and worry that the horse and buggy days are here again, when horses were treated better and received a break after 4 hours. In comparison, the transit worker frequently clocks in 12-16 hour days.

The HRP consultants were also told the history of the Recaro seat and power steering dating back 10 years ago. In fact, these issues are not fully resolved to this day, though movement has been made. The ability for the transit industry to fully modernize or retrofit fleets is limited by financial constraints, yet the injuries sustained in using older equipment continue. So the liability is running in one sense. In fact,



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there are 3-4 other issues which should be addressed fairly immediately, but economic times have forced people to focus on day-to-day survival. A general sense exists that the current consultation exercises allow transit management to listen to problems, talk about problems, but know that nothing will necessarily happen. The belief being that the health and safety workplace structure allows people to blow off steam. Previously, transit management would just say no! Now they say lets look at the problem and spend more time analyzing problems but never really solve the root problem. Transit unions believe that this is a new strategy, which they have coined the phrase "paralysis by analysis".

The consultants also examined the health and safety records of 9 transit properties and found that the transit industry overall has put in place an effective health and safety program. Many problems across a range of transit properties are addressed and resolved, and the existence of this mechanism surely provides ample results beneficial to the transit property, worker, and the public. Yet it has also been noted that unsafe vehicles are frequently being brought back into service and that maintenance work slated to be done was never started nor completed because the bus was needed on the street. This situation was also occurring in small, medium and large sized transit properties.

Many transit unions also recognized the need to treat stress related injuries

as compensable. In fact, stress related to traumatic injuries are currently recognized, but there needs to be some greater recognition that workers don't have to get immediately back into active duty at their original classification due to an injury or illness developed in the course of employment.

Further related to the issue of stress, the transit unions have expressed concern about the absence of industry specific data regarding the types, frequency and nature of certain compensable injuries. Transit unions are also continually frustrated to learn that the transit industry is lumped into some generic data base (trucking, rail, air). The problem the transit unions encounter, is that public transit workplaces are unique and unlike any other occupation. As a result, it is next to impossible to obtain public transit specific data regarding frequency of certain types of injuries so that the parties can make cogent arguments why certain types of work or work processes should be modified, or in making better corporate decisions in respect to the "Sick Benefit Association" - where in some instances the union has voting representation on the board. Transit unions continually find themselves in need of WCB information to identify frequencies of certain disablements in order to fashion workplace remedies, and establish policies and procedures aimed at addressing those workplace problems.

COMPENSATION FOR DISABILITIES ARISING FROM WORKPLACE STRESSORS

Recommendation:

In respect to the WCB "Workplace Stressor Policy Proposal", the HRP consultants feel that industry specific tracking of this issue and other compensation issues is fundamental. A corroborative assessment of a stress claim on an individual basis, may benefit from a realistic measurement against an industry specific norm (assuming this information was available). That would necessitate a WCB transit specific data base/field.

Summary of Issue:

1. Require the diagnosis of a disabling psychological condition in the accepted terminology and behavioural descriptions of DSM-III-R or its most recent version.

Observations:

The WCB has correctly noted that in the determination of "stress" the presumption in s.3(3) of the ACT is not available in the case of disablements so both the 'arising out of employment' and the 'in the course of employment' requirements must be shown.

The WCB is proposing acceptance of terminology and behavioural descriptions of DSM-III-R be required, which would for example require a medical report identifying an adjustment disorder will be expected to



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include the kinds of information outlined in DSM-III-R, the text notes that the essential features of an adjustment disorder is a "... maladaptive reaction to an identifiable psychosocial stressor, or stressors, that occurs within three months after onset of the stressors and has persisted for no longer than six months. The maladaptive nature of the reaction is indicated either by impairment in occupational functioning or in usual social activities or relationships with others or by symptoms that are in excess of a normal and expectable reaction to the stressor".

With medical information described in this way, a decision-maker will be greatly aided in determining that a disablement exists..."

Recommendation:

The HRP consultants clearly recognize that some medical yard-stick must be formulated to provide a framework in which decision makers can assess stress claims, and can support the above noted medical definition as the immediate yard-stick for assessment purposes.

In addition, we are also supportive of a diagnostic model which properly utilizes the general practitioners' who in many instances have the confidence, and best insight with respect to their patients. And given this relationship, we also support the WCB in that psychiatric diagnosis need not be conducted by psychiatrists only. Our fears are that there is a danger of premature psychiatric labeling, and that this may

prove injurious to an already "injured worker". The reality of the workplace is that it can be a cruel environment, both in terms of co-worker and management harassment. Therefore, any move away from a psychiatric model is positive and must be supported.

In addition, transit workplaces have evolved to the point where some transit employers have company doctors, and active Employee Assistance Programs. We strongly recommend that the company doctor not be the medical authority in which the WCB relies. Transit unions are fearful of contrary medical assessments, and given the political nature of the relationship between the company doctor and employer, they can envision some problems. A large transit union had recent experiences where the Employee Assistance Program, and the physicians associated with the program, have been badgered by transit staff to relinquish certain confidential medical reports to ultimately be used in disciplinary matters, etc. That kind of situation appears to poison the management/union relationship, and accordingly, transit unions do not want the welfare of an injured worker compromised. The HRP consultants strongly urge that the family physician or physician of the workers choice be the medical authority appropriate for assessment purposes.

Summary of Issues:

2. Determine work-relatedness according to the approach adopted following the public hearings on "Entitlement in

the Ontario Workers' Compensation System".

Observations:

The Workers' Compensation Appeals Tribunal has generally adopted a 'significant contribution' test for determining whether an injury by accident arose out of employment. The HRP consultants agree with the approach set out in the policy proposal on entitlement, that an employment connection will be established if there is an actual employment contribution to the development of the psychological disorder.

The discussion paper proposed the following test for determining whether a medical connection exists:

- * A significant medical contribution is established if there is a plausible connection between employment contribution and the personal injury by accident
 - unless*
- * The medical evidence indicates that it is more likely than not that the injury would have occurred in more or less the same timeframe without the employment contribution.

The consultants opinion on this issue is that any proposed test should reflect the principles set out in a recent decision by the Supreme Court of Canada in Dr. D.H. Farrell v Margaret Snell.

These principles include:

- (1) Causation need not be determined by scientific precision.
- (2) An inference of causation may be drawn, although positive or scientific



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proof of causation has not been adduced.

(3) It is not therefore essential that medical experts provide a firm opinion supporting the plaintiff's theory of causation.

These principles correspond to long standing submissions criticizing the adjudicative role WCB doctors have assumed. They have tended to conclude that the absence of positive data called for a negative judgement in a claim. For adjudicative purposes, limited positive data should only mean a conclusion that is neutral; not negative.

The policy proposal on entitlement suggests, sometimes decision-makers will require specific information from doctors in order to determine whether a medical condition exists. The policy proposal sets out five questions designed to elicit the necessary information.

1. Having regard to the history of the psychological disorder, to what degree did the workplace stressors contribute to your patient's psychological disorder?
2. What non-employment stress may have contributed to your patient's psychological disorder?
3. In your opinion, what is the relative importance of all employment stressors compared to all non-employment stress?
4. To what extent do you consider that the employment stressors accelerated the onset of the psychological disorder?
5. To what extent do you consider that the employment stressors influenced the severity of the psychological disorder?

Recommendation:

The HRP consultants are generally supportive of the above noted framework, but would caution that we have concerns regarding the discretion of decision makers with respect to the timing and whether or not specific additional medical information from doctors will be necessary to determine a medical condition exists. We would caution, that through our discussion with union officials, there is a general sense that the adjudicative staff can frustrate the expeditious handling of WCB claims, which typically results in excessive intrusion of the employees personal life.

On a matter of process, we feel that most psychological disorders, for the sake of administrative efficiency; should immediately have initiated a medical consultation; and further, that the WCB adjudicative process work with these completed medical records. As opposed to delaying the WCB claim and seeking medical records after a considerable amount of time has elapsed since the WCB claim was filed. This dead time is prejudicial to the claimant, and if experience with the WCB is any example, any requirement for "show cause" either for medical particulars, or otherwise, should commence at the initial filing of claim. With great respect to the adjudicative process, it is lengthy, inefficient, and probably more detrimental to claimants with psychological disorders. Frankly, having to deal with the WCB may prove to be an additional unwarranted stressor which complicates an already present condition.

In respect to question #2 & 3 we would caution that these questions appear ambiguous, in that it makes no reference whether we are talking about a "workers personal medical characteristics" or "a workers personal life". The question in its vagueness appears to border on being intrusive into the personal life of a claimant, through the auspices of medical reports. Medical reports should not breach certain fundamental rights to privacy, contrary to some civil cases that state the plaintiff relinquishes a degree of privacy when accusing someone of causing their misfortune. We argue that "some degree" does not infer "carte blanche" intrusion. Clearly, some test or guideline should be developed which fairly balances the need for privacy, against the need for legitimate information.

Secondly, although a few of the questions appear innocuous in their wording, there interpretation by the adjudicative staff is where we feel the system will break down. We believe that questions #2 & 3 ie., an analysis of personal factors prior to initial adjudication will create enormous delays. More importantly, it offends the traditional "thin skull doctrine", a principle by which the WCB has recognized that "you take your injured worker as you find him/her". Accordingly, transit unions are weary of a myopic approach to focusing in on a pre-existing condition or personal factor as a tool in determining entitlement, which is typically used to the worker's detriment. This type of evaluation of a case could



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result in extensive intrusion in the private life (medical and life-style) of the worker.

On the question of non-work-related stressors, transit unions feel strongly that no criteria has been proposed establishing the threshold and delineation of what constitutes essential information. In many instances, essential information will constitute violations to the worker's right to privacy. It is precisely this kind of situation which will be problematic, since transit unions experience with the adjudicative staff has demonstrated that a "negative inference" will be applied against the claimant (who won't disclose confidential information).

It appears once again, that any attempt by the WCB to balance the interests of workers against the needs of the WCB, will inevitably lead to compromising the workers right to privacy. Transit unions feel the political dynamics and the discretionary power of the WCB adjudicator will result in a situation whereby if there was any possibility of attributing the injury to other than employment, it would be done, and the claim would be denied. Transit unions cannot accept that the WCB adjudicative staff will carefully and respectfully balance the interests of workers against bureaucratic needs. Consequently, with respect to medical causation, no unnecessary inquiry should be embarked upon, because the Board should adopt the position of the Supreme Court of Canada which supports the benefit of doubt in favour of the plaintiff.

Summary of Issues:

3. Direct that all workplace stressor claims be adjudicated in specialized unit using specific guidelines created for the adjudication of workplace stressor claims.

Observations:

We understand that the WCB has recognized the need for establishment of a specialized medical and adjudicative approach until sufficient experience can be gained and the handling of stress type claims can become more routine.

Transit unions are initially warm to the notion of a specialized stress unit, and would encourage the Ontario Government to deliver this program.

HRPA Consultant Recommendations

1. There needs to be expansion of training so that all members (union/management) of the Joint Health and Safety Committee have been formally trained.
2. Improve the investigative rights for those involved in Health and Safety. Concern expressed that the law is silent, therefore there is no positive presumption that investigative rights flow to union representatives.
3. Transit industry must pro-actively provide preventative health and safety training to avert injuries.
4. There is a lack of industrial exposure standards i.e., low level long term exposures or short term exposures to fumes. The standards fail to recognize these exposures, and then tend to

amortize these over an 8 hour day or 40 hour week.

5. Develop consistent pest control procedures in public vehicles that protect workers, children, and pregnant women. Pesticides are becoming a more frequent complaint in many transit jurisdictions.

6. Lack of Ministry of Labour Inspectorate, but more particularly, the transit industry needs inspectors designated to the transit industry, and for there to be more regular workplace inspections.

7. Transit unions are worried about management reprisals, where the power dynamics of the workplace allow the employer to unfairly exert pressure on any worker, which has a chilling effect on workers pursuing complaints.

Workers are being intimidated into not filing violations.

8. Health and safety must become a corporate priority, that can have positive implications on sick days and WCB claims.

9. Transit employers must make available to the union, on request, all statistical information for any and all accidents.

10. Transit properties must develop ways and means to share corporate health and safety budgets to allow workers to deliver services to union members.

11. The Ontario Government must begin to redefine "third party" under the ACT, so that it is not silent on workplace issues related to "operator assaults" and "dangerous patrons".



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This section of the report was funded by the ATU, as per the project funding terms of reference. For the record, the ATU is the predominate transit union in Canada, but more importantly, within the Greater Toronto Area. From the beginning, the ATU has harboured reservations with respect to Integration, a view which has been fostered through their participation and involvement in various FISC and Integration pilot projects. Without wanting to appear alarmist, our initial forays into governmental partnerships have proven unsatisfying.

When we reviewed the transit scene over the last 10 years, we were struck by the fact that Integration has been the focus of continual attention by the main parties involved in transit i.e., Provincial and Municipal governments, especially transit officials. Notably absent has been meaningful trade union consultation. To say that the original efforts were unsuccessful would be unfair, since these exercises clearly laid the foundation for the current Transit Integration effort. On the other hand, there was obviously some institutional grid lock which at the end of the day essentially resulted in the status quo. Not in the sense of limited successes (FISC pilot projects), but in the sense of tackling the major issue of a centralized single transit authority. It appears the political courage or will, perhaps both, was never summoned to challenge the strong vested interests which seek to maintain 17 independent transit systems essentially perform-

ing the same services, but delineated by geographic boundary.

SAME PLAYER'S AT IT AGAIN

The consultants reviewed the Transit Integration history, and were struck by the continuing presence and participation of senior Ministry of Transportation officials (David Hobbs and Gerry Johnston) who have been perennial players involved in Transit Integration. Their talent and dedication to public transit is legion, but it also raises some serious questions. If the talent and energy of these solid government officials have tackled Transit Integration before, why were previous efforts less fruitful, or the face of public transit unaltered?

We believe that the Transit Advisory Group (TAG) formed in 1986, served an important purpose in respect to raising the fundamental issues which presented logistical, political, and attitudinal barriers preventing meaningful Transit Integration in the Greater Toronto Area. So in some respects, it's encouraging to see some continuity in terms of the resource persons assisting the government. Yet, it also raises some concerns. In fact, the TAG report dated December 1987 sets out the blueprint for the process and issues which are to be dealt with in a Transit Integration scenario. The ATU

was brought on board to provide some semblance of input and participation in the Transit Integration Task Force.

The HRP consultants found that we are dealing with an exercise which has been an on-going evolutionary process for nearly a decade. In fact, some research dates back to the early 1970's. More importantly, the goals, direction, and philosophical underpinning were articulated some 7 years before this most recent effort. In fact, a strong argument can be made that the Transit Integration strategy was long ago identified. At the end of the day, the stakeholder's are going to get Transit Integration much in the form that the original architect's planned.

The TAG report also noted the number of private bus companies which operate public transit service under contract within the Greater Toronto Area. Gray Coach Lines was mentioned, but is no longer a relevant factor, but 5 other companies operated the following municipal transit systems under contract: Ajax/Charterways, Aurora/Travelways, Markham/The Miller Group, Milton/Milton Bus Lines, Newmarket/Travelways, Richmond Hill/Can-Ar Coach, Whitby/Trentway Wagar.

In addition, it was also noted that 8 of 17 systems in the area are now operated by private companies. However, these 8 systems only account for about 1% of total ridership in the area. The TAG report noted that although municipal systems operated by private companies account for 1% of public



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transit ridership in the area, other private bus operations meet a variety of specialized needs. Thus, the issue of private operators within the GTA was echoed in the following TAG recommendation:

PRIVATIZATION AND CONTRACTING OUT PART OF TRANSIT INTEGRATION

Improve Overall Cost-Effectiveness

In recognition of the limits on available financial resources, efforts to improve the overall cost-effectiveness of transit spending should be strengthened. *Such efforts should include the exploration of opportunities to cut cost and increase efficiency through greater involvement of the private sector.* [emphasis added]

The TAG report also raised the issue of potential savings from a pooled approach among the operators. The report indicates that a number of matters now handled separately by each operator would probably benefit from a pooled approach, which could bring savings. These include such matter as:

- facility and equipment design
- procurement
- equipment maintenance
- equipment loans or pools
- staff training
- public relations and advertising
- labour relations

Clearly, the pooling issue was also a consideration back in 1987 and is being

raised once again. On the issue of the appropriate governance model, the TAG report also visited the range of options which were once again resurrected i.e., cooperation, coordination, federation, and amalgamation. If there is a sense of déjà vu for some of the stakeholders involved with Transit Integration, it is warranted, because they have visited these very issues before. For instance, a Federation made up of different transit operators would join for certain common purposes, while retaining their independence in other matters. Because the Federation would have powers of its own, representation would need to be agreed upon at both the political and technical levels. And in terms of a "Limited Federation", the TAG report noted that in this option the number of common purposes would be limited, leaving most matters to be dealt with by each operator.

In fact, during the TAG consultations, ATU Local 113 stated that they supported extending TTC service into the outlying communities, and also preferred an enhanced role for GO Transit.

American Public Transit Association 1991 — Toronto

In 1991, Mr. Gary Corupe a project policy planner with the Ministry of Transportation presented a position paper to the American Public Transit Association (APTA) held in Toronto, which essentially established the basis of the current Transit Integration Task

Force. Issues related to FISC, Twin Pass subsidies, Pilot FISC Projects, Inconvenient Transfers, Artificial Boundaries, Long Range Strategic Infrastructure Planning, and Frameworks were front and centre in that presentation. Strangely absent in Mr. Corupes' presentation, as in the previous TAG study was any conscious involvement of the trade union stakeholders, and more importantly, serious consideration of human resource considerations. These oversights are more than mere myopia, and in fact, are either deliberate or an aversion to human resource issues. In fact, that is a recurring theme throughout the Transit Integration history, namely an absence of assessment with respect to human resource considerations and impacts on trade unions and working people.

ATU Human Resource and Political Concerns

The HRP consultants found that transit unions look seriously at the activities of the Transit Integration Task Force and have some very clear issues which require not only debate, but political attention. *Firstly, it is the position of all local unions that Transit Integration as a concept is absolutely essential, where there is divergence of opinion is with respect to the mechanics and implementation.*

Jurisdiction

Transit Integration by its very nature is attempting to redefine boundaries which have evolved over many years



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creating artificially compartmentalized communities for planning, taxation, and municipal organizational purposes. These lines in the sand clearly do not reflect the reality of our modern day communities, yet the stakeholder's are stuck with traditional demarcation of boundaries. Trade unions are similarly confronted with jurisdictional issues. In fact, trade unions are governed by their scope or jurisdiction clauses which in practical terms act much the same as geographic boundaries separating communities. In many respects, the MTO effort to erase and redraw the demarcation of municipal boundaries is not too dissimilar to the issue of union jurisdiction. In fact, the principle is very much the same. What is important to note is that to effect change is a very complicated and protracted process. I think we have consensus on that issue. Where transit unions have a legitimate concern is that the Transit Integration focus has been on issues which MTO traditionally does well (Engineering, Policy, and Planning). In respect to human resource planning, MTO and the Transit Industry have no vehicle in which to address these issues in a tri-partite forum. (See CTI reform.)

The union jurisdiction issue is serious business, and without the cooperation of the Amalgamated Transit Union, the whole Transit Integration effort could unravel. In fact, the ATU has been able to develop some consensus with respect to ATU Carrier - Joint Local Agreements. Practically, this means that ATU Locals will jointly facilitate

Transit Integration by entering into Joint Local Union Agreements which in effect establish the ground rules with respect to the type, nature and frequency of cross boarder incursions by another carrier into the home jurisdiction of another ATU Local. The ability of the ATU to work cooperatively with other ATU Locals is part of the tradition of the ATU, whether between GO Transit, TTC, and Gray Coach Lines. In fact, if the ATU is on board politically, Transit Integration is "doable".

The caveat, in political terms, is that the ATU has also asked for a quid pro quo in respect to certain guarantees. The Mississauga/TTC FISC pilot project established the working model of a limited transit integration scenario, subject to Ontario Government ratification of terms and conditions for job neutrality, supervision concerns, and POP. In the final analysis this working model was never finalized. The jeopardy though, relates to the trust factor which would have been engendered, and a necessary condition precedent before the ATU entered into full blown GTA wide transit integration. We cannot state this point more clearly, trust and integrity are important in this kind of undertaking.

On the issue of Transit Integration with non-union carriers, it is the position of the ATU that no "joint agreement" will be entered into with any non-union transit property.

Privatization

Privatization and contracting-out are two sides of the same coin. We took the

liberty of highlighting specific sections of the TAG study which was the raison d'être for the Transit Integration Task Force. Specifically, we noted an editorial bias that private contracted services would provide transit service more cost effectively. In fact, a recent campaign by the Ontario Motor Coach Association highlighting the benefits of contracted transit services and competitive bidding is in sync with views held by senior Ontario Government officials and several transit authorities.

In respect to privatization, there are clearly options on the table to privatize the capital stock and enter into some form of lease arrangement. This is consistent with recent initiatives at GO Transit. Transit unions believe there is a fine line between privatizing the capital side of the ledger; and their concern - how long after do you privatize the operating side of the budget?

Many services provided by ATU members are being targeted for contracting out. This problem has been spreading and becoming more serious in recent years. The ATU is committed to protecting the jobs of its members and maintaining the best possible wages and working conditions. They are also concerned with ensuring that efficient and economic transit service of the highest standards are provided.

These two objectives are far from incompatible. Quite the contrary, experience shows that it is impossible for private contractors to pay decent wages, pay taxes and make profit while providing the same quality of services at the



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same costs as that provided by public employees under intelligently managed public control.

Contracting Out a Threat to Transit Workers

The most obvious, direct impact of contracting out is that ATU members lose their jobs. Even if there are no direct job losses, all members of the bargaining unit will be hurt by the indirect consequences of contracting out. Transit unions have indicated they will remain vigilant in ensuring that job security and contracting out provisions in the Social Contract Municipal Sector are complied with.

The HRP consultants were told by transit unions that contracting out reduces employment opportunities for members of the bargaining unit. It also acts as a restraint on the bargaining position of the union. And that the tendering system used to contract out a service is by definition a mechanism to legitimize cheap labour practices. The contract business therefore depresses wages, benefits and working conditions in the industry as a whole.

Contracting out also creates a fragmented labour force, making it easier for anti-union employers to better control the labour process and introduce inhuman productivity levels. The contractor is in business to make a profit. Contractors also have to pay taxes to make a profit. But not so with the public sector. The monies used to provide a contractor with his profit and cover his taxes could be used to provide addition-

al transit services or improve the wages and working conditions. The ATU's experience has shown that the profit motive, rather than being a boon in contracting out, turns out to be a raid on the public treasury.

ATU Cites Hidden Costs Associated with Contracting Out

All too often it is thought that when a private firm is awarded a contract at a specified cost that this constitutes the total cost to the employer or taxpayers. This is not the case.

The employer must monitor the performance of the contractor continually. This results in additional costs. The employer must cover administrative overhead costs, pay clerical employees for paper work associated with the contract, and compensate other public employees who have to patch-up, clean-up, or revise the shoddy work done by the contractor. This results in additional costs. The tendering process itself is costly and time consuming. The employer sometimes pays for insurance, licenses, permits and the purchase and maintenance of equipment used by the contractor. These costs are often not considered. Sometimes public employers sell off their own equipment at fire sale prices to the very contractor taking over the service. This loss in assets is not calculated for. And another hidden cost is that associated with the long term costly consequences of low ball bidding. A standard technique used by contractors is to bid low in order to win a first contract and establish a foothold. This is

then followed by a much higher price once the contractor has established his position. Low ball bidding is a growing problem now that large conglomerates are penetrating the contract market.

Contracting out inevitably leads to a decrease in public services. The evidence shows that where employers purport to save money by contracting out, the "saving" was achieved by allowing the contractor to reduce the amount of service that had been performed, paying substantially less wages and benefits, as well as infringements of industry working condition standards.

If an employer does not contract out, adjustments and corrections to a service job can be introduced immediately. Management has the opportunity to introduce late changes or adjustments to the details of a service without having to wait until the contractor is available and without having to accept the notoriously high costs of "extras" charged by most contractors. Contracting out also limits flexibility since contract employees cannot be deployed under special circumstances to do other jobs or fulfill the variety of functions more commonly done by public employees.

By losing control, transit management will find that management problems are simply compounded. This approach will be perceived as the tacit encouragement of poor practices in other areas of management since the problem was not directly rectified.

Transit unions believe contracting out means greater costs and diminished services. Contracting out is a self defeat-



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ing fiscal tool. Welfare and unemployment costs rise. And citizens receive less or poorer services. These then are some of the major reasons the ATU is opposed to contracting out. If we examined contracting out on a job-by-job basis, many additional areas could be cited.

Clearly, the unionized transit sector views the world somewhat differently than competitive bidding advocates. The ATU Toronto Area Caucus has a fundamental problem with non-union carriers, especially within their jurisdiction. Some Task Force members will advocate that every Transit Property is equal, and discrimination on the basis of union versus non-union carriers is not in the interests of long term Transit Integration. Obviously, at the end of the day some stakeholder's will have a difference of opinion. The ATU is also concerned with any attempt to lay the onus and blame on the union for creating jurisdictional problems related to Transit Integration. In fact, the ATU has taken the lead in Transit Integration with other ATU Locals, but the fly in the ointment has been bureaucratic gridlock, and a lack of political will in authorizing the "terms of reference" negotiated by Local 113, Local 1572, TTC, and Mississauga Transit.

FAIR WAGE POLICY

Transit unions have tabled many concerns relating to contracting

out of transit service, and these fears are further compounded in the context of Transit Integration. The HRP consultants believe that a Fair Wage Policy for Transit in the Greater Toronto Area would alleviate these concerns. In fact, Fair Wage Policy is not a new policy instrument, and in fact, has been part of the Provincial Governments tendering process for specified job classifications. So there is no provincial precedent required to implement a Fair Wage Schedule for GTA transit, just an amendment to incorporate a "new transit fair wage schedule". Without question, this is "doable".

From a practical and political perspective, a Fair Wage Policy would indeed provide a mechanism to ensure fairness, especially in light of the concerns we have raised regarding contracting out of transit services. Secondly, there has been a lot of intrigue and interest in various framework models throughout the world. With the focus always shifting to San Diego as a working model of a Limited Federation. It has also been noted that the main transit union in San Diego is the Amalgamated Transit Union. Transit unions have been concerned with the Transit Integration Task Force direction, in that there is a tacit acceptance of the San Diego model. And although transit unions may or may not disagree with the governance model, they certainly have problems with the philosophical orientation of two-tiered wage structures between the Amalgamated Transit Union, and pri-

vate operators who were integrated into the San Diego transit system. Transit unions in the GTA state categorically, that this form of double-breasted transit service. The Canadian section of the Amalgamated Transit Union certainly doesn't endorse this form of institutional black-mail. But more importantly, the HRP consultants found the American Transit environment totally dissimilar to Ontario, and governed by entirely different funding sources, and legislation, which forces transit systems to enter into competitive bidding of local transit services. The consultants reviewed the American transit environment to highlight the differences between Canadian and American jurisdiction. The philosophical differences between the two jurisdictions can be found in an address by former President George Bush, Executive Order, Infrastructure Privatization: April 1992

"By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that the United States achieves the most beneficial economic use of its resources, it is hereby ordered as follows:

Section 1. Definitions.

For purposes of this order:

(a) **"Privatization" means the disposition or transfer of an infrastructure asset, such as by sale or by long-term lease, from a State or local government to a private party.**



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(b) “Infrastructure asset” means any asset financed in whole or in part by the Federal Government and needed for functioning of the economy. Examples of such assets include, but are not limited to: roads, tunnels, bridges, electricity supply facilities, mass transit, rail transportation, airports, ports, waterways, water supply facilities, recycling and wastewater treatment facilities, solid waste disposal facilities, housing, schools, prisons, and hospitals.

As you can see, privatization in the United States occurs under a much different political environment. In addition, there are additional pressures exerted by the (formerly) Urban Mass Transportation Act (UMTA), which in essence forces local transit authorities to enter into competitive bidding exercises with the private sector. This has led to a balkanization of transit services. Transit unions don’t believe that San Diego is a model worth replicating in Ontario. More importantly, the ATU will not stand by and import into Ontario jurisdiction the transit policies of American free enterprise proponents who champion the San Diego model, and point gleefully to the 40% wage differential that the ATU accepted when they organized one of the non-union carriers.

The HRP consultants believe when these considerations and concerns are factored in, the need for a Fair Wage Policy becomes fundamentally important. Because after all the assur-

ances that San Diego would never happen in good old Ontario, transit unions have some grave reservations and “little faith” to just blindly acquiesce. Clearly, what is being contemplated in the Transit Integration Task Force requires the remedial guarantee of a Fair Wage Policy.

Fair Wage Background

Metro Council, City of Toronto, and the Province of Ontario have traditionally been in support of the Fair Wage Policy, whose purpose is to set a standard where Government is seen to be a fair employer by setting wage rates in the Fair Wage schedules that reflect current wage rates prevailing in collective agreements for various occupations and classifications of work.

During annual ATU conventions, through discussion, debate, and adoption of resolutions, ATU Locals have formulated a solidified position in support of a Fair Wage Policy, which provides for (1) current collective wage rates; (2) the adoption of benefit rates in said schedules, and more importantly; (3) mechanism for enforcement.

It is the ATU’s position that in the interests of Fairness and Equity, it is essential to have current fair wage schedules adopted and enforced, both at both the Municipal and Provincial level.

The effect of fair wage schedules, based upon the wages and benefits set out in collective agreements, is to ensure firstly, that companies in contractual relations with the unions are

guaranteed the ability to bid competitively on public works. Secondly, enforcement of fair wage schedules ensures the fair treatment of any Ontario workers not protected by a union agreement.

Purposes and Objectives of the Fair Wage Policy

The Fair Wages Resolution (1946) is nothing more than a resolution of the house of commons, the basic purpose of which is:

“to ensure that employers engaged on Government contracts shall, in respect of their workers, pay rates of wages and observe hours and conditions of employment not less favourable than those established generally by machinery of negotiation or by standard practice.”

The first Fair Wages Resolution was passed by the House of Commons in 1891. The present resolution, adopted in 1946, “openly proclaims the duty to observe collective agreements.” Section 1(a) requires the contractor to maintain wages and conditions “not less favourable” than those established by collective bargaining or arbitration “to which the parties are organizations of employers and trade unions representative respectively of substantial proportions of employer and workers engaged in the trade or industry in the district.” If no such terms and conditions have been established by negotiation or arbi-



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tration, then the contractor must comply with those “observed by other employers whose general circumstance in the trade or industry in which the contractors is engaged are similar.

Very substantial sanctions are provided in the resolution. No contractor can be placed on any government department's "list of firms to be invited to tender" unless he affirms that he has complied with the requirements of the resolution for at least the past three months. If he/she should later cease to comply, the contract can be withdrawn from him/her.

The Federal government enacted the Fair Wages Policy in June 1935. The underlying principles upon which this legislation was built are: 1) that at all times, fair wages are to be paid and fair hours are to be worked on projects under Federal government contracts; and 2) that all contractors are to have full and fair opportunity to bid on Government contracts. The Fair Wages Act prevents contractors from under-cutting wages and hours prevalent in the local area in order to obtain an unfair competitive advantage.

A fair wages clause in a government contract, then, has no direct legal bearing on collective agreements or individual contracts of employment, nor are the terms and conditions of which it requires observance need necessarily be incorporated into legislation.

Ontario Fair Wage Policy

In Ontario, the fair wage schedule for government projects is an Order in Council administered by the Ministry

of Labour. It is considered to be a term of every contract made on or after October 15, 1963. The policy was intended to prescribe the prevailing wage rates in designated zones and the maximum hours of work for all employees working for contractors or sub-contractors on contracts tendered by the government of Ontario, several of its agencies, and projects administered through local municipalities that are in receipt of provincial grants and subsidies.

Metropolitan Toronto and City of Toronto Have Active Fair Wage Programs

Additionally, Metropolitan Toronto and the City of Toronto have a long standing and very good commitment to the Fair Wage Program. Of note is the fact that both levels of municipal government are celebrating their 100th anniversary of Fair Wage with a ceremony on December 3, 1993 hosted by Metro Chairman, Alan Tonks and June Rowlands, Toronto Mayor. This is a program that has survived in spite of right wing attacks, and is now recognized as a model of “fairness” in government contracts. Clearly, this cannot be discounted if Metro Toronto is the big player in Transit Integration.

Current Policy Purposes

Transit unions across Ontario, especially the ATU believe that the Fair Wage Policy was necessary in the past, and within the context of today's market place, an even more important

social and economic policy tool, since many firms are setting up shop for the purposes of performing a single contract/job, then folding the corporate shell, thereby abdicating any long-term responsibility for workmanship, future liabilities/claims, including those of workers seeking recompense.

A current and active Fair Wage Policy is still a relevant policy instrument since Fair Wage Schedules are based upon wages and benefits set out in collective agreements; and that Fair Wage Schedules ensure companies in contractual relations with union are guaranteed the ability to bid competitively on public contracts.

Secondly, enforcement of fair wage schedules ensures contract compliance and the fair treatment of all workers; and not unlike forms of contract compliance which are aimed for the general well being of society i.e., employment equity.

The dilemma for the unionized workers and their employers is they become excluded, and if not excluded - then marginalized in the tendering process when non-union contractors underbid in the tendering process, knowing full well they have no legislative or moral obligation to abide by any “fair wage schedule” if one is not in effect.

The Social Contract, Municipal Sectoral Agreement, section 5.6 states:

“The Municipal Parties agree that when contracting-out options are under consideration,



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the department/unit providing the service(s) in question and/or the bargaining agent be allowed to compete by submitting a bid, in conformance with local tendering practices and policies, for consideration by the employer along with other bids. Municipal authorities will undertake to provide bargaining agents material that is provided to other bidders.”

From the union's perspective, it is a double pronged problem. One the one hand unionized workers have the protection of their collective agreements, thus ensuring them the wages and benefits of a collective agreement.

On the other hand, many workers who are employed in the non-unionized transit sector of the industry are in many instances being paid sub-standard wages, with no security of an overall collective agreement, thus making them more susceptible to abuses and infringements of industry standards of working conditions.

Are There Negative Implications for the Ontario Government?

In the foregoing section of our brief, we have addressed the relevancy and continued necessity of a workable Fair Wage Policy in the 1990's.

On the question of whether the Ontario government should adopt the Fair Wage Policy for Transit Integration it is probably worthwhile to de-myth some of the political concerns that the Fair Wage Program contributes

to the following: (1) higher project costs of public work; (2) an increased burden on the public purse; (3) as well as a fetter on the market forces in the economy. In a completely sterile vision of the world one could easily attack the Fair Wage Program by advocating that government has no place in setting or be seen to set wage rates, which in our market place economy are determined by a natural set of forces of which the government is not a player. Although we are playing the devil's advocate, it is a very common gut-level response to the Fair Wage issue.

In terms of whether Fair Wage contributes to a greater cost in producing public work, that would not be the experience gleaned from Metro Toronto. As a matter of fact, the capital and services infrastructure of Metro Toronto has not been curtailed, and if anything, there has been growth with no corresponding impact on the tax burden as a result of the Fair Wage Policy. The sheer enormity of Metro's budget, and the necessity of all contractors to adhere to a Fair Wage, proves that there is no "negative economic domino effect" associated with the use of current Fair Wage Schedules. Even in the midst of the recession, both Metropolitan Toronto and City of Toronto remain committed to Fair Wage.

Updating Fair Wage Schedules

The best and most equitable method in our view is to have separate schedules set-up for job classifications which

dove-tails existing job classification system(s). Schedules should be ready for preparation and publication once the Collective Agreements for the relevant trade unions have been completed and the agreements ratified. This would probably be on a bi-annual basis.

Secondly, the methodology that Metropolitan Toronto and the Province employs is a sound example of the consultative approach with government, industry and labour. The results of these meetings assists in the preparation of the schedules.

Enforcement of Fair Wage Schedules

Without enforcement, the Fair Wage Program is a weakened policy instrument. We would suggest that there are a number of enforcement strategies which should be employed in conjunction with a Fair Wage Policy.

1. The [Framework] should firstly provide sufficient staff or delegate this task to enforce "Fair Wage Policy".
2. Secondly, the contractor should display and keep displayed in a conspicuous place on the site of their work site, a copy of the Fair Wage Schedules.
3. Upon completion and acceptance of the work and prior to the final payment the Contractor shall present to the designated authority a statutory declaration (affidavit) [see North York] in the form prescribed by the designated authority declaring that the provisions of this section have been complied with.
4. The contractor shall maintain and



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keep sufficiently complete and accurate books, payrolls, accounts and records relating to the work or any extensions or additions thereto or claims arising to permit verifications and audit thereof and he shall have no claim for payment of any nature and kind whatsoever unless such books, payrolls, accounts and records have been so maintained and kept.

5. The designated person from the ATU and the designated authority or such other person designated to enforce the provisions of this clause may inspect and audit the books, payrolls, accounts and records of the Contractor at any time during the period of the Contract including the period of guaranteed maintenance and the Contractor shall supply certified copies of payrolls and any other records whenever required and requested.

6. The Contractor shall cause each Subcontractor to comply with the provisions of this Article in the same way as if "Contractor" read "Subcontractor."

7. In case the Contractor fails to pay any workers (or in case any owner of a truck or other vehicle fails to pay any driver) wages at the rate herein-before provided, the designated authority may pay any balance necessary to make up the amount that should have been paid, and if paid, charge such balance to the contractor.

ATU and Limited Federation Fair Wage Guidelines

1. The ATU recommends that the

Ontario Government use the "collective agreement" or "union wage" as the hourly wages to be included in the Fair Wage Schedules.

2. The ATU recommends that the Ontario Government be ready to prepare and publish updated schedules once the collective agreements with the relevant unions have been completed and the agreements ratified.

3. The ATU recommends that the Ontario Government include the benefit package as part of the total wage package when the Fair Wage Schedules are being prepared.

4. The ATU recommends that the Ontario Government enforce the "Fair Wage Policy". In addition, that sufficient staff be appointed to enforce the Fair Wage Policy - or use the Ontario Government's Fair Wage Office.

5. The ATU recommends that a written complaint from any interested contractor, worker, organization should start the wheels in motion for an investigation. A reply to the complainant after the investigation has been completed is fundamentally important.

6. The ATU recommends the costs of the investigation should be assessed against any contractor found in violation of the Fair Wage Policy and the costs should go into a Transit Fund for the enforcement of the Fair Wage Program or Transit Improvements.

7. The ATU recommends that if a contractor is found to have violated the Fair Wage Policy, his company or any subsidiary should not be allowed to bid on any government project for one year

as a penalty or deterrent.

8. The ATU recommends that the Ontario Government close all loopholes (Fair Wage Exclusions) with respect to projects financed by the Province which a Board of Directors has been charged with the responsibility for distribution of finances. These kinds of projects and any project management arrangement must not be allowed to circumvent or be excluded from adhering to the Fair Wage Policy.

9. We affirm Metropolitan Toronto, City of Toronto, and the Ontario Government's long standing role regarding annual Fair Wage Consultations. Additionally, there should also be formalized on-going dialogue with transit industry stakeholders in order to facilitate the dissemination of information necessary to respect to continually developing concerns and problems related with the Fair Wage Program.

TRANSIT INTEGRATION

SEEKS SERVICE AND

FACILITY RATIONALIZATION

During the tenure of the Transit Integration Task Force, the ATU has become much more attuned to the potential impact of "jurisdictional erosion". The dilemma essentially relates to the purpose of Transit Integration which is attempting to



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erase the boundaries around Metro Toronto. Operationally, the boundary no longer exists in terms of the traditional transit operating parameters. This then necessitates a review of how service flows can be integrated, and the practical net effect on staffing levels, resulting from shared integration. In fact, there have been limited investigations with Mississauga and Toronto to review whether a job neutral approach could be taken. The concern of the ATU is that the issue is much more complex than declaring "job neutrality" or arguing that the exercise is net-sum.

As consultants, our concern also relates to the fact that Transit Integration is also a rationalization exercise seeking to pool resources and squeeze further optimization from the current disjointed approach to transit administration. This ultimately means that Transit Integration will eliminate jobs. Transit Integration will also change the operating environment which will lead to employee confusion, and lack of organizational identity by workers and the public. At the end of the day, the transit workplace will undergo tremendous culture shock when the walls come tumbling down and the underlying notion of job security becomes questioned. We paint this picture because the timing of Transit Integration, with its accepted heralded benefits, must also be seen in the context of a decline in public transit ridership in the GTA, transit job losses, and financial pressures. Along comes Transit Integration with its implicit

rationalization of transit service at the unionized operating level, and we have a recipe for warranted fear and concern. On top of these anxieties, private carriers and the Ontario Motor Coach Association are publicly lobbying for an enhanced role in the municipal transit sector. They also have a strong presence in adjacent transit properties north of Toronto. Clearly, transit workers are fearful for job security and will view the north end with considerable consternation, especially if one bus crosses into Metro Toronto and works within ATU jurisdiction.

More importantly, the ATU does not have this problem with another unionized property, which typically would be the ATU. We must remember that the ATU has for 100 years been the most significant transit union in the GTA. Through its size, and sheer political importance, the delicate issue of running non-union carriers into Metro Toronto from the north end is political suicide. The intensity that Local 113 and transit workers fought the Part-Time issue in 1989 might easily re-surface if private carriers are part of the Transit Integration Service Equation.

The reason that ATU Local 113, Local 1587, Local 1572, and Local 1573 can harmonize their relationships, is that there is a long standing working relationship between these different transit local unions. Secondly, and more importantly, they have a transit orientation and collective agreement provisions which are comparable in

many respects. It's this ability, experience, and trust which enables the ATU to make Integration workable. The Ontario Government seriously places in peril the potential for labour peace by slipping into Transit Integration without these various ATU concerns being factored into the political decision making process.

Successor Rights and the Crown Transfer Act

In the instance of GO Transit and ATU Local 1587 there has been considerable discussion and assessment regarding the issue of route abandonment, and whether or not this constitutes default contracting-out. Without going into the merits of the argument, there is a growing recognition that certain GO Bus services may either be off-loaded to municipalities, or rationalized due to enhanced service coordination and a shift towards intermunicipal service versus the services provided by GO Transit, the interregional carrier. The unmistakable hand writing points to a diminished role for GO Bus. The ATU Local 1587 has taken the position that it will take issue to service cannibalization and will seek Successor Rights under the Crown Transfers Act. Once again, the issue of service reductions and transfers is very sensitive and fundamentally important to ATU Local 1587. The ATU Toronto Area Caucus does not believe the role of GO Bus, within the GTA, has been properly or honestly assessed within the context of Transit Integration. Because of



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conspicuous silence on the issue, the ATU is worried that Intermunicipal Transit Integration will supplant the mandate of the Interregional carrier, GO Transit.

GO Transit Becomes Orphan Under a Limited Federation

More importantly, Transit Integration, and the contemplation of a "Limited Federation" makes GO Transit an orphan in Transit Integration. Transit unions believe that GO Transit could have taken a much more prominent and central role for coordination and has legislative legitimacy to assume that role. It would also have given the Ontario Government a bigger role and voice in planning how provincial dollars are spent, an issue which has constantly been laboured over. Instead, stakeholder's will fall under a "Limited Federation"; and the Ontario Government's ability to play a lead and visible role in public transit, or participate in transit decision making which the province finances, may be reduced. At a time when the province has committed upwards to 1.5 billion in infrastructure projects, the province will continue to be relegated to backroom financiers of the transit system.

Disentanglement and Ontario's Long Term Commitment to Transit Financing

Transit unions believe that the TATO legislation provides for a very clear and unambiguous mandate for GO Transit in Transit Integration. To

gravitate towards a Federation or other framework model raises some serious questions about the long term political commitment to public transit by the Ontario Government. Not in the sense of capital dollars, since it would be naive to suggest or impugn the motives of the government in light of the billions of dollars earmarked for transit capital expansion. Yet, with respect to a long term commitment to provide transit operating dollars transit unions are somewhat more pessimistic.

Let us digress to the Disentanglement exercise. It was the HRP consultants understanding that the province was re-visiting its role in respect to the Provincial-Municipal relationship in the area of transit financing (capital/operating) with certain program costs to be down-loaded from the provincial level to municipalities, and specific municipal program costs up-loaded to the provincial government. During 1992, the Provincial Government wanted to drop transit operating funding as an obligation and down-load this to municipalities as part of a broad quid pro quo regarding re-defined roles for program responsibility and financing. At the end of the day, the Ontario Transit Industry articulated and advanced a solid and unanimous consensus that the existing Provincial-Municipal relationship and funding model for the provision of transit services be retained. This was perhaps in stark contrast to what the Ontario Government wanted to achieve through this exercise. In retrospect,

transit officials were able to keep the wolf at the door. In our minds, this raises the issue of long term "provincial commitment". The Transit Expert Panel on disentanglement stated:

Municipal Cost Sharing of GO Transit Service

"This option was considered to be outside the mandate of the disentanglement panel.

However, the panel recognized that there is a clear link between GO transit and municipal transit in the Greater Toronto Area.

The panel supports the investigation of cost-sharing of GO services to encourage coordination and effectiveness of both services. Further study of the implications of potential integration should be undertaken, including the possibility of creating a Greater Toronto Area (GTA) Transit Authority to oversee, coordinate, plan and manage transit services in this highly urbanized area.

The panel recognizes there would be advantages to a coordinated body for transit in the GTA, given the volume and movement of cross-boundary transit passengers within this large geographic area. Municipal organization in the GTA and the resulting service orientations are not always consistent with the major cross-boundary transit demands."



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Original Statutory Mandate Appears to be Abdicated

Transit Unions believe that there was a political trade-off between the Transit Industry and the Ontario Government. Perhaps disentanglement couldn't be achieved, but "Transit Integration" was certainly a good half way measure that both the Transit Industry and Ontario Government could accept as a compromise. Thus, Transit Integration which follows so closely on the heels of "Disentanglement" must clearly be seen as the second stage of the Ontario Government attempting to redefine, and perhaps minimize its commitment to transit financing. Under the veil of Transit Integration, the integration exercise appears politically harmless and sold as a plan to help the dedicated transit patron get from Mississauga to Scarborough with no hassles or double fare.

Transit unions would have been a little less fearful of Transit Integration if GO Transit retained the role that it was legislatively mandated to provide. Many of the new mandates contemplated for the "Limited Federation" clearly mirror or replicate roles and activities prescribed to GO Transit. Why would the Ontario Government by-pass using GO Transit unless they wanted a new political vehicle (Limited Federation) which minimized long term financial liability for transit. It raises an interesting question. We cite the language in the TATO legislation which speaks to the objects of the Authority, all of which, we submit, will be violated in a

Limited Federation framework. Secondly, the Act is very clear that integration and co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems shall be studied and investigated.

The government legislative framework for GO Transit An Act To Establish The Toronto Area Transit Operating Authority, clearly outlines the mandate of the provincially run and funded transit agency. Section 6 states:

6. The objects of the Authority are,
 - (a) to design, establish and operate or cause to be operated an efficient and economical surface and subsurface, or either of them, inter-regional transit system to serve the needs of persons requiring transportation as passengers across the boundaries of regional areas and within the area of jurisdiction of the Authority.
 - (b) to coordinate the operations of surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems.
 - (c) to provide information, advice, design, assistance and co-ordinating services to surface and subsurface inter-regional transit systems and surface and subsurface regional transit system, and
 - (d) to perform such other duties and exercise such other powers as are imposed or conferred on the Authority by or under the Act within the area of jurisdiction of the Authority.

in order that the public interest may be served.

POWERS:

7. (1) For the purposes of carrying out its objects, the Authority shall study or cause to be studied and investigate or cause to be investigated,
 - (a) the design and operation of inter-regional transit systems;
 - (b) the fare structure and service schedules of inter-regional transit systems;
 - (c) the use by municipalities of transit funds allocated by the Ministry;
 - (d) applications for public vehicle operating licenses under The Public Vehicles Act for the transportation across the boundaries of regional areas of passengers or passengers and express freight on a highway; and
 - (e) The integration or co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems.

Transit Secretariat — Limited Federation

Firstly, the ATU supports a Transit Secretariat on a conceptual and operational level which makes abundant sense given our concerns regarding the Ontario Government's continued role in public transit. The ATU believes that a Transit Secretariat gives transit an elevated status within the Ontario Government and Ministry of Transportation.

On the issue of the Federation the



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ATU believes that the principles upon which a Federation would be based do not reflect or take into account the human resource concerns and implications inherent in Transit Integration. Issues related to discipline, seniority, employee migration, supervision, and pension, are some of the issues which are impacted by Transit Integration. The argument by Transit Officials and government officials that everything stays the same with only minor tinkering on a few corridors is fraught with naivete. The HRP consultants believe that mechanisms must be incorporated into a Federation which are mandated to monitor, assess, and formulate cohesive responses to human resource concerns and issues. The delicate balance of achieving labour peace can be thwarted by inattention to structures which address these fundamentally important trade union concerns.

The ATU also supports the principle that the Federation should be accountable to the people it serves. In terms of whether representatives should be appointed by elected bodies, the ATU believes that transit deserves a much more elevated role in our municipal electoral process. At present, elected representatives have no direct electoral mandate for transit and are appointed to sit on committees or commissions as a result of "political assignments" in the management of municipal or regional government business. In that sense elected officials have an accountability and we don't want to

disparage the motives and intentions of individuals who have given time to transit governance. On the other hand, transit's political profile and accountability is filtered through local government. The electorate in a real sense doesn't elect transit representatives, as with other public utilities or commissions. Perhaps this could be explored in a Federation model where position(s) are elected from each region, depending on the formulae, which in effect becomes a form of direct election.

The ATU also believes that the Federated body has to have access to sufficient source(s) of funds to ensure that Transit Integration will be accomplished. This should also include the ability to levy and assign tax for transit improvements, and not limited to surtax on gasoline.

Another concern relates to the fetter placed on the Federation in the form of legislated limits on its size and budget, and for the Federation to be operationally lean and compact. Clearly, there is a prevailing view that if transit industry interests can "guild the lily" of a Greater Transit Authority, then the idea will be thwarted for another decade.

On the issue of debenturing of debt, the ATU believes that it is in the best interests of the Federation to issue debt on municipalities behalf to cover some of the capital costs, rather than having the municipalities finance all capital costs as they occur. It would also be necessary to ensure that total debt was within acceptable limits and guaran-

teed by the Province, so the Province would have to approve the issuance of debt by the Federation.

With respect to representation models, the ATU believes that the number of options provided are all workable and will not comment on the appropriate mechanism for representation, but would echo our earlier remarks that a direct elect Federation is also an option which has not been fully considered.

Labour's Role in a Federation Structure

On the issue of labour participation in a Federation, the ATU has some specific views. Firstly, they reject any idea of participation on an "Advisory Structure" for the simple reason that it is removed from the direct decision making and tends to be ineffectual. As Wally Majesky, consultant to the ATU noted,

"labour's interests are not really addressed nor fully factored into the decision making process if you're on the outside. In fact, a strong argument can be made, and I made this argument many times as former President of the Labour Council of Metropolitan Toronto, that labour must be directly part of political decision making for there really to be a labour role and voice. Not too far in the TTC's distant past, they too had a labour representative appointed to sit on the board."

In addition, the HRP consultants



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found that there were two prevailing views concerning labour representation in Ontario Public Transit. One was expressed in Ottawa, where ATU Local 279 indicated that labour representation might pose a problem, especially if the Labour Council appointed the individual. The concern related to a potential situation where the Local Union might take exception with a decision that the labour designate might have supported, which might lead to a resolution for the ATU Local 279 to disaffiliate from the Ottawa Labour Council. This was strictly posed as a hypothetical situation.

Conversely, the HRP consultants noted that in Windsor the Labour Council President, Mr. Gary Parent was formerly a Transit Windsor Commissioner. This represents a working model in Ontario Transit of labour participation. The ATU understands that labour representation does not necessarily mean "ATU representation" but in all probability a "labour representative". The Stadium Corporation also has two labour representatives i.e., Mr. Cliff Pilkey and Mr. Robert White. The appointment mechanism is not really an obstacle for labour and can be decided upon by the Ontario Government after consulting with ATU leadership. The ATU took exception to comments from TTC Chairman, Mike Colle that "if labour wants on a transit body, then let them get elected." Mr. Colle's comments are curiously out of step with modern labour management partnerships and

initiatives of public organizations, and to a more limited extent, the private sector.

Our final comment on the Federation relates to the provincial presence, and the ATU fundamentally believes that any Federation structure must reflect appropriate provincial representation, something which is sorely lacking in the current transit operating environment.

Job Neutrality

The issue of job neutrality has been a consistent theme of the ATU since the initial FISC pilot projects. The notion of Transit Integration is a romantic and compelling force which appears all too reasonable to the general public, transit officials and the Ontario Government. In many respects, the ATU also supports improved public transit through Transit Integration. But it's important to note how the parties achieve the goal; which is important to the integrity of the process.

ATU Local 113 and Local 1572 have been involved with limited FISC initiatives with the TTC, Mississauga Transit and the Ontario Government. The paramount concern has been the issue of job neutrality. In fact, assurances have been offered, but never finalized or ratified, that verify a Provincial commitment that "Transit Integration" will be job neutral. The concerns of the ATU are well founded, as it appears that Transit Integration is a rationalization exercise which not only seeks to tear down jurisdictional

barriers, but also rationalize service, facilities and operating personnel.

The failure to commit to job neutrality has raised further concern within the ATU. Clearly, Transit Integration is not only concerned with the transit patron travelling from Mississauga to Scarborough, it's about minimizing operating expenses and overhead. The cost of labour happens to be an operating expense. The degree to which this can be eliminated or minimized depends to a large extent on how much Transit Integration takes place.

The ATU believes that Transit Integration is about achieving the benefits of a GTA Transit Authority, without Transit Management having to make the same bureaucratic sacrifices that the operating personnel will experience. *Given the concerns with Transit Integration and the lack of guarantee's, the ATU will support the necessary efforts to achieve "seamless integration" on a limited basis, but will steer away from full blown integration.*

Supervision — Discipline

Another concern of the ATU relates to the issue of supervision and discipline. Specifically, the ATU has taken a position that until all outstanding union issues and proposals relating to Transit Integration are reasonably addressed or adopted, then the ATU will not recognize the supervisory authority of extraneous transit authorities. This specifically refers to ATU Local 113, Local 1572, Local 1573, and Local 1587. For the purposes of cross boundary transit



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integration, the ATU cannot recognize foreign transit authorities for the purposes of supervision and discipline. The issues of concern relate to the different practices, procedures, and collective agreement language which govern the local union management relationships. No language in the collective agreement(s) addresses the unique operating implications of "Transit Integration" which clearly represents a legal void in respect to day to day labour relations.

Divergent discipline practices and working conditions are not simple obstacles that are easily eradicated. There is a clear need to address these fundamental issues before the ATU can fully recognize the merits of Transit Integration. The ATU strongly believes that FISC, Labour Relations, Pension Issues, Jurisdiction, and Working Issues, cannot be dealt with unilaterally by the Transit Integration Task Force, Federation, or by Provincial Decree. These are fundamental issues which have traditionally been part of collective bargaining or labour management negotiations between the various transit properties and their respective bargaining agent(s). To trample on these sacred rights by limiting the right to bargain these issues would amount to abdicating 50 years of progressive labour relations in the Province of Ontario. It would also be out of sinc, since the Ontario Government, through amendments to the Crown Employees Collective Bargaining Act is recognizing the right of Crown Bargaining

Agents to negotiate formerly excluded issues under statute. It would be contradictory to suggest that the ATU would be subject to unilateral decisions affecting the above noted issues. It would also prove politically disastrous should any party involved in Transit Integration be contemplating such unilateral action. The recrimination will not be strictly limited to litigation, though that would also be an option. Rather, the fabric of labour relations would be dealt a serious blow by the Transit Integration Task Force or Ontario Government in the event of unilateral action to force these issues. Such a move would in all likelihood result in potential labour disputes, in one, if not all ATU properties. If this sounds serious, it is. The ATU hopes that the Ontario Government is listening to these concerns because these issues are fundamentally important to the ATU, as well as 10,000 ATU members in the GTA employed in the public transit industry. If the Transit Integration Task Force is not careful, the potential for labour unrest is immense.

Pension Concerns

The issue of Transit Integration and a possible GTA Transit Authority has raised concerns among ATU stakeholders, representing 10,000 unionized transit workers in the GTA, over pension related issues. At present, there are several different pension programs covering the separate ATU bargaining agents. The predominate pension plan

is the 52 year old TTC/ATU Local 113 co-operative pension fund with assets of approximately \$1.1 billion dollars.

Concern specifically relates to the potential likelihood of in-flows and out-flows of bargaining unit members from one ATU jurisdiction to another. The ebb and flow of transit workers between transit properties is believed to result when Transit Integration creates rationalization of transit service and personnel, which either creates job redundancies or opportunities while trying to facilitate integrated service.

The ATU believes that once Transit Integration is implemented, there exists a potential requirement for re-aligning personnel requirements between the various transit property stakeholders. There is historical precedent which can guide the Ontario Government in this undertaking. Clearly, the ATU believes that a political jeopardy exists should the Transit Integration Task Force and the Ontario Government ignore the realities of worker/bargaining unit migration and the sensitive and costly issues associated with transit worker pensions. As a principle of Transit Integration, the ATU believes that any migration of transit workers into ATU Local 113 bargaining unit jurisdiction, and the TTC/Local 113 Pension Fund Society, must not represent a cost or liability to the TTC/ Local 113 Pension Fund Society. Any pension costs associated with integrating surplus transit employees (former ATU members) displaced by transit integration must not be



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borne by the TTC/Local 113 Pension Fund Society. In fact, any liability related to absorbing displaced transit workers into the TTC/Local 113 Pension Fund Society must be absorbed by the Ontario Government or former transit property, and not the Pension Fund Society.

The ATU believes that a similar situation occurred in the 1980's in the matter of the Toronto Transit Commission, Gray Coach Lines Limited and GO Transit Labour Disputes Act 1984 (Bill 125) The above named parties were parties to two memoranda of settlement which follows, referred to as Schedules A and B, and which memoranda are referred to in Section 13 of Bill 125.

A dispute arose between the parties as to the entitlement to the benefits provided for in paragraphs two through ten of the memoranda of settlement in Schedule A hereto, of TTC/GCL employees hired by GO Transit who are eligible to receive pensions from the TTC Pension Fund Society.

Having heard the representations of the parties, the arbitrator ruled as follows:

Pursuant to the terms of the memorandum of settlement in Schedule A, as referred to in Section 13(2) of Bill 125, no distinction is made between employees of TTC/GCL who are employed by GO Transit, and who are eligible to receive the TTC Pension Fund Society pensions and those who are not so eli-

gible. All such GO Transit employees who so transferred from TTC/GCL are entitled to the benefits contained in paragraphs two through 10 of the memorandum in Schedule A, regardless of their eligibility to receive TTC benefits.

However, employees of GCL/TTC who are actually in receipt of pensions from the TTC Pension Fund Society prior to being hired by GO Transit are not entitled to such benefits in that they, at the time of hiring by GO Transit, would not be employees of TTC/GCL as envisaged by the said memorandum in Schedule A. The parties acknowledge and agree that this arbitration shall be conclusively deemed to be pursuant to the Arbitrations Act of Ontario, and the within award shall be enforceable in like manner to an arbitration award under the Act. [signed by the parties]

SCHEDULE "A" ...

This Memorandum of Settlement resolves all outstanding employment issues between the parties with respect to the termination of the service agreement between Gray coach Lines, Ltd. and GO Transit.

1. The current contract between Gray

Coach Lines, Ltd. and GO Transit shall be extended to December 31, 1989, subject to a phasing-in process as follows:

- Planning and central superintendent responsibilities to be assumed by GO in January 1985.
- Newmarket route to be assumed by GO on or about April 30, 1985
- Milton routes to be assumed by GO on or about June 30, 1986
- Georgetown route to be assumed by GO on or about August 31, 1987
- Hamilton route to be assumed by GO on or about October 31, 1988
- Oshawa route to be assumed by GO on or about December 31, 1989

2. Toronto Transit Commission and Gray Coach Lines uniformed drivers to have first opportunity for all GO Transit (formerly Gray Coach Lines) drivers' jobs in the following order:

- i) Resident drivers to have first choice of remaining at their present place of residency.
- ii) Gray Coach drivers assigned to GO Transit routes.
- iii) The five GO Transit employees now qualified as driver by GO Transit
- iv) The balance of the TTC and GCL uniformed driver group.

This provision is subject to the seniority rights established in accordance with Item 3(a) below.

3. a)The seniority rights of TTC and



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GCL drivers employed by GO transit will be dovetailed with the current 17 GO Transit drivers; such seniority to be limited to driver classification and not the entire bargaining unit.

b) TTC and GCL drivers hired by GO Transit as well as the current 17 GO Transit Driver will be granted vacation credits based on accumulated service with their previous employer and their entitlement will be in accordance with the collective agreement between Local 1587, ATU and GO Transit.

4. The probationary period set out in the collective agreement between GO Transit and Local 1587, ATU will not apply to TTC and GCL drives hired by GO transit.

5. TTC and GCL drivers hired by GO transit will have their wages red circled at their rate in effect at time of hire by GO Transit or they will receive the GO Transit driver rate, whichever is higher. Red-circled rates will remain in effect until GO transit rates catch up.

6. Resident drivers who elect to remain TTC/GCL employees will have relocation costs paid by GO transit in accordance with the provisions of the Gray Coach Lines Appendix of the collective agreement between the Toronto Transit Commission and Local 113, ATU.

7. Wages (subject to red-circling as in Item 5 above) and working conditions will be in accordance with the collec-

tive agreement between Local 1587, ATU and GO Transit. TTC and GCL drivers to be given four months notice at the first stage of the phase-in of GO Transit's intention to hire, said notice to include all details of jobs, wages and working conditions.

8. During phase in period direct supervision (first line) of GCL employees to be maintained by GCL.

9. Administration of discipline of GCL employees to be carried out exclusively by GCL supervision.

10. The provisions in this Memorandum with respect to wages and terms and conditions of employment are without prejudice to the current negotiations for renewal of the existing collective agreement between GO Transit and Local 1587, ATU, and further, will not set a precedent for the provisions of the existing GO Transit - Local 1587 collective agreement.

The foregoing is subject to ratification by the principals of Gray Coach Lines and GO Transit and by the membership of Local 113, ATU and Local 1587, ATU. [signed by the parties]

SCHEDULE "B"

Supplementary Memorandum of Settlement, between GO

Transit, Local 1587 ATU, and Local 113, ATU.

1. It is agreed that the Memorandum of Settlement signed on August 3, 1984, is amended as follows:

Article 2iii is deleted and the following substituted:

"All existing GO Transit drivers, including the 5 employees qualified to be drivers".

2. The Local 1587 representatives signatory to this document agree that they will unanimously recommend acceptance of the Memorandum of Settlement dated August 3, 1984, as amended by the Supplementary Memorandum to their membership at a membership meeting to be held on or before Wednesday, August 22.

3. Local 1587 and Local 113 agree that, should the membership of either Local fail to ratify the Memorandum of Settlement as amended, any outstanding issues arising from the Memorandum shall be submitted to arbitration for a final and binding determination within 60 days of the rejection.

If the parties cannot agree upon the method of arbitration or the composition of the arbitration tribunal, the Minister of Labour shall, upon the request of any party, select an arbitration

All parties to the Memorandum are entitled to be represented at the arbitration hearing. [signed by the parties]



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SYSTEM SENIORITY

During the Transit Integration Task Force proceedings, the issue of seniority has continually been raised as a trade union concern. In fact, the ATU believes that one of the greatest impediments to the realization of a GTA Transit Authority is the present seniority system which recognizes departmental seniority, versus system wide seniority. The current seniority system results in situations where "last in" is not necessarily "first out". The ATU leadership has recognized the importance of system seniority and over the past 30 years various ATU Locals have had referendum on adoption of "system seniority" or common seniority. It is recognized that in the interests of fairness and natural justice that system seniority is the best approach. Unfortunately, the prevailing seniority system in the GTA is based on departmental seniority which prevents proper staffing and deployment of personnel. This is a situation which the ATU will require the assistance of the Ontario Government over the next year in the way of funding to allow the GTA transit unions to properly review, research, and prepare for harmonizing seniority on the basis of "system seniority".

In previous efforts, transit union members in Local 113 have narrowly voted in favour of "system seniority" subject to compliance with the International and Local Union

Constitution and By-laws. Unfortunately, various interpretations regarding simple majority or 2/3 vote has negated these votes. Now that Transit Integration is looming on the horizon, there is a positive onus and obligation on the ATU, Ontario Government, and transit properties, to ensure that "system seniority" is enacted which makes the exercise of employee migration contemplated in Bill 125 or as a result of route and staffing realignment more workable and fair.

The ATU International Constitution (1992), Section 30 Seniority states:

Each member of this Union shall be entitled to recognition of his or her proper seniority date, years of service, and proper standing under a fair and equitable seniority system applicable to his or her employment, including all rights, privileges and benefits pertaining thereto, to the extent that such sound principles of seniority can be established and maintained, through the process of collective bargaining and agreement with the employing entity of the membership involved. The I.U. and its affiliated J.C.'s and L.U.'s shall seek to promote and win the employer's acceptance of an appropriate seniority system which shall be included in collective bargaining agreements covering our members, and which shall thereafter

be properly administered and enforced in accordance with its terms, thereby to improve the wages and hours of work, to increase the job security, and to better the working and living conditions of all members, consistent with democratic institutions and procedures.

The ATU strongly believes that seniority is one of the most fundamentally important issues to the trade union. In fact, the ATU realizes that for purposes of fairness, efficiency, and workable Transit Integration, in both the short and long term, system seniority must be a cornerstone in the Transit Integration effort. But the issue is clearly beyond the scope and mandate of the Ontario Government, and in fact, remains the ATU's sole responsibility in respect to amending, modifying, or proposing changes to seniority provisions.

This human resource concern has not been considered, nor thought to be an important aspect of the Transit Integration effort. The ATU believes that is fundamentally wrong, and will endeavour, with appropriate assistance and funding to review the issue, and commit to a timetable to bring the issue of "system seniority" to political fruition. Without a proper strategy, timetable, and financial resources available to the ATU the full potential for Transit Integration will be impeded and minimized by jurisdictional squabbling on endless seniority complaints.



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System seniority is supported by the leadership of the ATU Toronto Area Caucus, and would represent a significant contribution to the goals of Transit Integration in both the short and long term. The importance of this issue cannot be minimized, and regardless of the final outcome of Transit Integration, this singular issue represents a significant stumbling block. The ATU is willing to begin to make the transitional changes necessary to facilitate change, but requires financial assistance to properly implement an action plan which is favourable to the majority of transit workers. This is "doable" with the proper resources, but more importantly, the ATU leadership has the political will to support system seniority.

Sale of Combination Passes

The ATU has reviewed the various funding options and subsidy approaches to FISC and believes that any lost revenue for twin passes must be absorbed by the Ontario Government and Ministry of Transportation. One of the key concerns with respect to fare technology and fare/pass distribution methods relates to the impact on job security and potential job losses. The union believes that new technology is

designed to reduce, minimize, and eliminate bargaining unit jobs. Capital costs associated with new technology must reflect the cost of retraining and labour adjustment. It is also the position of the ATU that any new fare technology resulting in new jobs/ classifications must fall within the ATU jurisdiction. Secondly, any displacement of current workers as a result of new technology must implicitly provide redundant workers an opportunity to obtain the necessary training in order to be redeployed within the transit property. Specifically, transit workers must be retrained as part of a labour adjustment strategy, and which is currently lacking in Ontario Public Transit.

Work Rules

On the issue of work rules (spreads, restrictions, and working conditions) the ATU believes that the home jurisdiction (collective agreement) will become the prevailing method in determining the working conditions of transit employees involved in Transit Integration. Specifically, should the TTC operate within Mississauga jurisdiction, the applicable collective agreement between the TTC/Local 113 will prevail. Should Mississauga operate within Toronto jurisdiction, the applic-

able collective agreement between Mississauga Transit and Local 1572 will prevail. As a general principle, the ATU believes this approach is workable in the short term.

The union also reserves the right to investigate the potentiality of establishing a limited council of unions for the purposes of establishing a separate agreement to address integrated routes. This option raises very sensitive issues and is proposed as a discussion item, pending the ultimate outcome of Transit Integration.

The Ontario Government must make available resources so that the ATU can begin the important house keeping exercises and reviews to facilitate organizational restructuring which Transit Integration heralds. Issues related to system seniority and labour adjustment concerns are fundamental issues which the ATU must address. At this juncture, the resources to conduct necessary labour adjustment activities are lacking, and it is incumbent on the part of the Ontario Government, which for all intents and purposes is the change agent in this undertaking, to begin funding specific ATU research activities in respect to formulating labour adjustment strategies in response to Transit Integration.



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This report contains highlights of a 11/2 year research project carried out by the HRP consultants and members of the Amalgamated Transit Union from 1992-1993. The purpose of the research was to document what workers in the public transit industry want and expect from training. We wanted information which would help the transit industry stakeholder's negotiate this issue with business, government and community colleges. We also want to help union instructors to design specific union courses. Two things were special about our project. First, we went to the union membership to learn about what they wanted to know. Our conclusions are patterned on what the workers in 9 transit systems said, not what we were told by experts.

WHY BOTHER WITH RESEARCH AND TRAINING

What's there to research? Every time we turn around another consultant is talking about 'new technologies', 'work reorganization' and the need for workers to 'upgrade' their skills. What's the mystery?

Part of the HRP consultants objectives was to instill in local unions that a training culture belongs at the core of the union's agenda. The need

for training is not just a question of productivity and/or profit for the transit property, although transit unions share some of these concerns with management. As we see it, training is about the future of labour's role in society as working people.

Our research was guided by four objectives. First, we know that the transit sector is undergoing dramatic changes - both in technology and in the way which work is organized. These changes have led to real needs for training in new areas. In some cases, upgrading workers skills may mean the difference between keeping or losing a job. This is not just true for individual workers. It can also be true for a transit property, an industry, or entire sector.

Second, we wanted to find out what transit workers had to say about this issue. We knew that ATU members wanted training, but that was all we knew. We felt that it was time for transit management and government to hear directly from workers what type of training best suits their needs.

Larry Kinnear (ATU Local 113)

"Training is not about what the company wants to achieve, it also about training that workers want. There needs to be a movement away from rigid training structures and towards a training environment which encourages all workers to participate. That may mean, especially in the TTC's case, that we start delivering programs in the mother tongue of certain groups i.e., Italian and Portuguese. The experience of other

unions has been quite successful and a model that the transit industry and learn from."

Third, transit union officials were tired of management using training as a way to threaten, intimidate, distract and try to divide workers. In one transit property, for example, workers had been told by management that new technology was being introduced. If they did not adapt quickly to the changes, certain jobs would be threatened. At the same time, if they did master the new technology, a number of jobs would be lost as a result. Transit union officials believe that management has used this issue as a way to advance their interests at the expense of workers. Concern centres on bullying tactics, offering courses to only a hand-picked few or trying to get employees to compete with one another for a smaller number of jobs.

Another aspect of the HRP review was to assess and strengthen the hands of those workers who sit with management on Joint Workplace Training Committees (JWTC) or similar ad hoc training structures. The JWTC's, as they exist in other sectors, control how the Sectoral Skills Council training money will be used in workplaces.

MYTHS ABOUT TRAINING

1. More training is necessary because we are moving to a high tech future.



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Almost every projection on future jobs - including those done by the federal government - points to the following six occupations as having the fastest growth over the coming years: secretaries and stenographers, janitors, cashiers and tellers, office clerks, waiters and truck drivers. The government study concluded that most of these future jobs can be filled by people now unemployed or those needing little training.

2. Highly-trained high-technology jobs mean higher wages.

Many high tech industries - like computer chips, computer processing, electronics - have moved to low-wage countries like South Korea, China, or Philippines. Within Ontario, there are many high-tech companies with relatively low wages. Higher wages are not just technologically determined but depend on unionization and social/political factors.

3. A more highly trained workforce will mean jobs in Canada

It is not true that more training is the key to jobs in Canada. The reason for Canada's particular economic structure is complex, and simply increasing training will not change this. Training is not the critical factor explaining our economic dependency on resources, assembly and U.S. technology.

4. A lack of training has hindered the development of the Canadian economy.

The problem has not been inadequate skills but the under-utilization of existing skills, workers with skills being laid off, workers forced to work part-time because no full-time jobs exist, educated workers doing menial jobs because there are not openings in their fields.

5. Good planning for specific skill shortages is a priority

Detailed planning for the future is not possible in a changing, unplanned economy. The alternative is to provide broad skills training so that workers will have the flexibility to adapt their abilities to specific uses as the need arises.

6. Training is not a controversial issue

Aside from the question of how much training should be done, there are fundamental disagreements about how to benefit from the training and the kind of workplace and society the training is meant to reinforce.

Labour's agenda is for training that equips workers to have more control over their work lives, builds on workers' existing capabilities, prepares workers for what they want and need to know now and in the future, puts workers in a better position to shape that future and starts to eliminate job discrimination based on gender, race or ethnicity.

7. Training is a good thing

Not all training is good. It can be harmful. Just as the educational system has made many workers doubt their abilities and talent, bad training can

weaken self-confidence, scare people away from opportunities they could pursue, reinforce stereotypes and past discrimination and undermine taking a critical approach.

8. Multiskilling will provide greater job security

There is no evidence for this. Jobs are vulnerable as long as employers have the unrestricted right to change service levels, introduce labour saving technology, and reorganizing work. Multiskilling may even weaken job security. Traditional trades are portable, whereas multiskilled work usually is not. Multiskilling can make workers more dependent on the whim of the current employer.

WHAT TRANSIT UNIONS SAID — WORKER DRIVEN TRAINING

Training (Competency-based versus Worker-driven)

Competency-based:

- Aim is to train workers to perform separate, unrelated tasks
- Defined by management
- Fragmented, rigid
- Discourages critical, creative thinking by workers, undermining a source of power in the workplace
- Objective is productivity/efficiency

Worker-driven:

- Aim is to maximize amount of control in hands of workers by deepening understanding of processes



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- Defined by workers
- Looks at the whole, flexible
- Encourages workers to exercise, sharpen and act on their judgements
- More democratic decision making

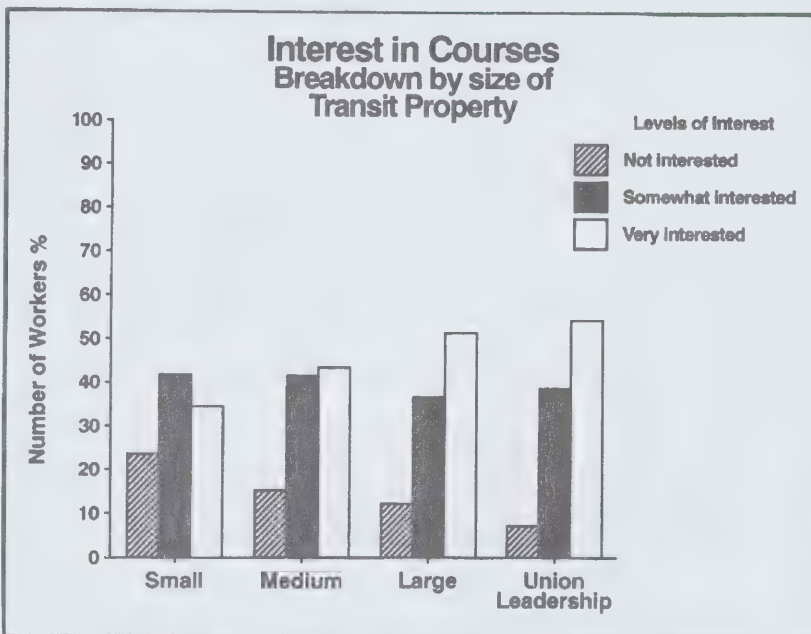
Dan Campbell (ATU 966)

"a training culture is non-existent in Thunder Bay. Initially the maintenance department only dealt with the same bus for 20 years. No real motor vehicular technological change in any real sense. Yet when new buses arrived on the property, the manufacturer does the training of one person who then disseminates the information to other workers (mentoring model)"

Transit unions believe that they must play a central role to ensure that workers receive the kind of training that they need. The research that was performed through the HRP study was a first step. Now that we have results of surveys, our findings can be used to assist transit unions in formulating training strategies. One of the unique approaches to this phase of the study was that our findings are based on interviews with real people versus academic training professional.

Transit unions have expressed that they are not interested in management dictated training programs and believe that this approach is 'competency-based training'. The goal of competency based training is to have workers perform whatever 'tasks' management establishes for the employees. Some concern exists in the broader trade

WHAT TRANSIT WORKERS SAID



INTEREST IN COURSES — Much of what we found came as no surprise. On many points, our findings confirmed what we had suspected, but could not prove. The graph below, for example, shows that there is strong interest in training. 82% said that training is either somewhat or very important. 78% also said that they would take paid educational leave if they could, and 44% specified that they want training which will help upgrade and/or enhance their jobs. Also, many workers want literacy based courses in reading, writing and/or English as a Second Language.

union movement that this form of training is designed to undermine the collective strength of the workers, while claiming to 'upgrade' workers skills in order to match the high technology of today's workplace. Whereas, worker driven training is designed to maximize worker leverage - both within the workplace and within society as a whole. The premise is that it is based on needs of workers, it emphasizes critical thinking as well as technical know-

how and it takes into consideration the knowledge and the experience that workers already possess.

HRPA Training Recommendations

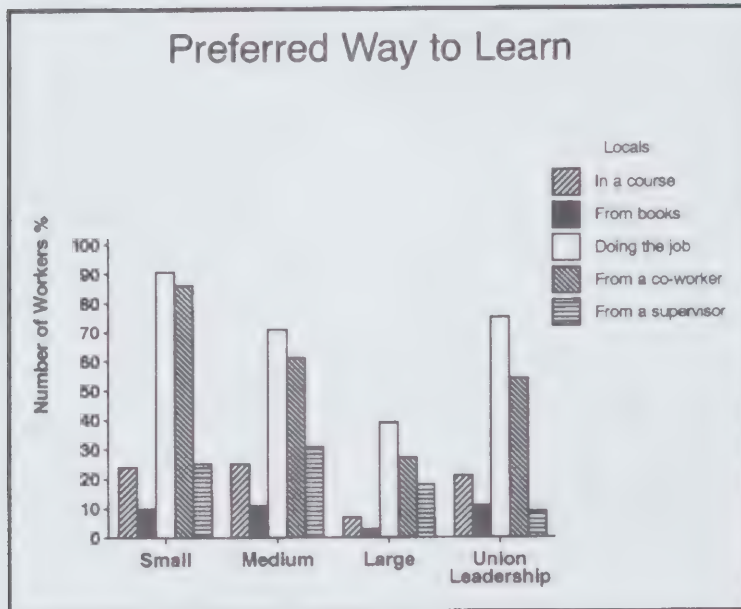
1. Locate training in the workplace or workplace related locations.
2. Improve the promotion of workers from within the transit property into more skilled positions. Improve the promotion of under represented groups into skilled positions.



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WHAT TRANSIT WORKERS SAID



PREFERRED WAY TO LEARN — 86% of transit workers said that the best way to learn something new is by doing it. At the same time, the more education workers have, the more likely they are to prefer to learn in more formal ways such as through courses or from books. Further, those workers with the most training are the most likely to want more. This can lead to a situation in which “them what has, gets”. One way to counter this is to make sure that courses are offered on-site. Over 80% of workers would be more likely to take a course if it were offered in the workplace.

3. Develop more English language training, especially for workers who another mother tongue and are not fluent in English.
4. Design training for workers who are older, less skilled or non-English mother tongue.
5. Ensure there is a fair distribution of training opportunities and that the union has an equal role in delivering the training.

Al Cormier (Executive Director OUTA)

“OUTA had some experience with a bus maintenance program with Centennial College where the curriculum had to be modified. The reason was that a few hours of basic literacy numeracy was necessary which no one anticipated. Perhaps the classroom model of education delivery might not be as strategic, whereas training integrated

into the workplace (shop floor) might be more adaptive to the needs of the workers/trainees.”

WHAT'S AT STAKE IN THE TRAINING DEBATE

Training and cooperation are the hot new buzz words. We agree that things have changed, but transit unions are asking questions about training, versus accepting what management tells workers. Transit workers are becoming weary about empowerment and quality of circle schemes. Believing that there is still a union contract and that management is really seeking avenues to minimize corporate obligations to the bargaining unit. Whether this union attitude is entirely correct matters not, the fact remains that transit unions are in the main skeptical about new management approaches

- working smarter
- labour/management teams
- total quality management
- lean production
- quality circles
- autonomous workplace
- flexible production
- high commitment systems
- empowerment

Another concern of transit unions is to determine what is actually going on with respect to training initiatives. How much is new, and what do corporate changes mean to the workforce.



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Clearly, the need to upgrade skills is not a simple issue. Transit unions are now beginning to disagree with management about what, and why training is important. Concern centres around the fact that the 'training' issue is driven by management. The HRP consultants found that transit unions agree that there is a need for training, but not the same reasons as management.

The HRP consultants after reviewing the training issues believes that in order to secure the training that transit workers require, there needs to be the creation of **Joint Workplace Training Committees (JWTCs)**. JWTCs should be active in all transit workplaces in which union, company, and employees have decided to participate in developing a positive training culture. The transit industry should also consider, in conjunction with trade union stakeholder's, the possibility of establishing a **Sectoral Skills Training Council (SSTC)** Training Fund. The purpose and composition of JWTCs, are joint and equal representation from management and union who decide how SSTC Training Fund monies will be used in their workplace.

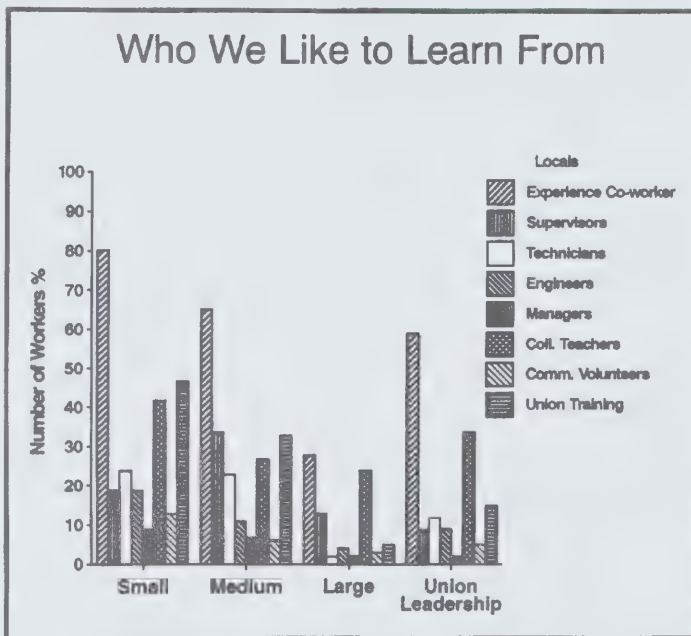
JWTCs are valuable because they allow workers to influence the kind of training that is provided. In the past, transit unions have had a say in the design of union courses, with minor consultation in other instances. In the JWTCs transit unions would be on an equal footing with management in shaping training programs which are jointly sponsored by labour, employers

and government. Essentially this means that SSTC Training Fund money cannot be spent without the approval of 'education delegates' who are accountable to their co-workers. In other Ontario workplaces, even the global corporate training budget has been folded into the scope of the JWTCs.

The HRP consultants have also reviewed the feasibility of establishing a

Sectoral Skills Training Council, which would be created to ensure that quality training is available to workers in the transit industry. As background, the primary focus of the SSTC has been the New Industry Training Fund, run at the workplace level by JWTCs. The Fund is voluntary. Both the employer, union and workers must agree to join, and both pay into the Fund. Their contribu-

WHAT TRANSIT WORKERS SAID



WHO WE LIKE TO LEARN FROM — 60% prefer to be trained by an experienced co-worker. There were differences, however, between those who prefer union-taught courses and those who prefer to learn from college teachers or from management. Those who already have more training and/or education are more likely to take part in courses sponsored by the company. Courses offered by the union are thought to be more fair in that they include everyone. This perception may be the result of members being involved in planning and carrying them out.



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tions are then matched by government.

There are three guidelines for training which is funded by SSTC. First, it must be incremental. The training has to be something which is not already available. Second, it must be portable. You have to be able to take what you learn with you if you leave your present job. Third, the training must be equitable. It has to be open to all workers.

WHAT IS A SECTORAL AGREEMENT?

A Sectoral Agreement is an agreement between the government and labour and management in a particular industry, to invest jointly in training workers in the industry.

All training decisions, such as curriculum and eligibility, are made by a sectoral training council established within the industry. Labour and management have equal membership on the council, which administers the training.

Training concentrates on generic, portable, and certifiable skills, giving workers mobility within the industry. On-the-job and in-school training is provided by participating employers and unions, local community colleges, or other training suppliers.

The number of workers to benefit from a Sectoral Agreement is determined by the industry's needs and funds contributed by the parties involved.

HOW DO SECTORAL AGREEMENTS BENEFIT ONTARIO?

New workplace technology, tough domestic and inter-model competition, industrial restructuring and demographic change have led to a shortage of skilled workers in many high-tech industrial sectors in Ontario, including public transit. It is vital to the province's economic renewal that this shortage is addressed.

Sectoral Agreements enable government to work in partnership with Ontario's key industries and encourage them to play a greater role in generating the skilled workers they need.

WHAT ARE THE OBJECTIVES FOR DEVELOPING A SECTORAL AGREEMENT?

1. to increase training funds (employer/employee) that otherwise might not have been committed;
2. to foster co-operation between labour and management on training and human resource issues;
3. to develop a commitment to high quality, portable training, and
4. to ensure that training is accessible to all equity groups.

Guidelines in negotiating a sectoral agreement include:

1. complementary roles for the federal and provincial governments
2. provincial funds must support direct training costs

3. the sector must be clearly defined and important to Ontario's economy.

Once established, the Ontario Training and Adjustment Board (OTAB) will be responsible for encouraging sectoral approaches to training and development in order to implement substantial qualitative and quantitative improvements in workplace and sectoral training.

RATIONALE FOR SECTORAL TRAINING COUNCIL

In the transit industry, work processes and employment conditions are changing rapidly. Upgrading of the existing workforce is becoming a priority at all levels of the industry as a condition for future growth and prosperity. In this context, a Transit Industry Sectoral Training Council (TSTC) would provide a vehicle for pursuing long-term training and human resource development activities.

The first aim of the Council would be to develop and implement a training program for operators, maintenance and administration recognized throughout the industry. The program would provide educational and skills upgrading to serve the needs of employers for skilled learners capable of continuous learning on the job, and the needs of workers for improved employment security and mobility in the sector.





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PRINCIPLES OF TRAINING

The Transit Industry Certificate program could include both on- and off-site instruction that is integrated and developmental in content and process. It will incorporate upgrading in mathematical, language, and communications skills within a focus on the state of the industry, computer technologies, and work processes and materials. The goal is to develop the productive capacity of individuals as well as of the industry as a whole. The certificate would provide a ladder to further learning by offering college credit or equivalency for aspects of the program where possible. There may be some variation in courses according to subsectors of the industry.

WORKING RELATIONS

All activities and programs of the Council will be co-determined and co-managed by the Ontario Urban Transit Association (OUTA) and the Amalgamated Transit Union (ATU) with support from both federal and provincial governments and public institutions. The Council would recognize the legitimate and independent interests of management and labour and would seek to work together through constructive dialogue toward mutual benefits from increased workplace learning.

MANDATE

The Transit Sector Training Council

would provide transit properties with a vehicle for pursuing essential long-term training and human resource development needs by pooling resources, and developing and delivering a training curriculum for operators, maintenance and administration personnel leading to a "Transit Industry Certificate" recognized throughout the transit industry.

Other initiatives that could eventually be undertaken by the Transit Sector Training Council on behalf of the transit industry include:

1. continually monitoring the industry for emerging training and retraining requirements;
2. developing financial and other support required to address the identified training and retraining needs;
3. continuously updating training institutions on the evolving educational and skill requirements of the industry.

CURRICULUM HIGHLIGHTS

The program could explore the events and decisions that over the last several decades have defined the Canadian and North American transit industry. Difficult issues would be addressed in a forthright and credible manner, drawing on a balance of management and labour perspectives so that learners are able to relate the broader economic environment to the changes they have seen and continue to see affecting their workplaces and their own jobs. Specific skill-building exercises would be fully integrated into the program's subject

matter which can be organized into three thematic groupings:

1. THE PUBLIC TRANSIT INDUSTRY (profiles and trends)

Establish a current profile of the industry by:

- Identifying important events and players across the industry, from the level of suppliers, consultants, and transit industry personnel
- Examining Canadian, North American and intra-industry pressures
- Identifying and analyzing workplace changes resulting from industry restructuring

Establish likely future trends for the industry by:

- Examining past trends for direction
- Identifying and analyzing known future events
- Synthesizing the best forecast of industry experts

2. TECHNOLOGIES AT WORK (work processes and organization)

Introduce the role and application of technology as it relates to operations and work organization through:

- Examining technology as a change-force
- Exploring current technology usage as well as future innovations



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- Identifying and analyzing specific impacts that result from how work is organized and performed
- Examining the impact on the knowledge and skill requirements of workers (e.g. the increased use of mathematics and problem solving techniques, etc.)

3. COMMUNICATIONS AND INTERPERSONAL RELATIONS (changing dynamics)

Improve workplace communications and interactions by:

- Learning active communication skills (e.g. speaking, listening, writing, etc.)
- Exploring the role of cultural diversity in the workplace
- Identifying opportunities for increased worker involvement

PRICE WATERHOUSE STUDY RAISED THE 'TRAINING ISSUES'

Transit unions throughout Ontario have expressed uniform discontent about current training methods. In HRP Steering Committee meetings, there has been uniform concern expressed about training in Ontario Transit. No single issue has become more topical than the issue of training, whether it be vocationally based or literacy/numeracy upgrading. The HRP consultants believe that the current training situation is not a result of some

conspiracy to provide poor or little training to transit workers, but a by-product of years of neglect and little priority for human resource development at the operations level. It also appears that there is a weak training culture in the transit industry. That is not to suggest that transit management doesn't receive training, because they do, either from manufacturers or OUTA/CUTA/APTA. The concerns of transit unions is the lack of a cohesive, universal, and jointly delivered education programs specific to the transit industry.

The HRP consultants believe that the fundamental concerns regarding the current state of transit training can be gleaned from round table discussions and excerpts of the Amalgamated Transit Union Local 113 submission to the "RAIL TRANSIT MAINTENANCE STUDY" conducted by Price Waterhouse for the Ministry of Transportation.

On November 26, 1990, the Minister of Transportation, the Honourable Ed Philips, announced a study aimed at upgrading skills of rail transit maintenance at the Toronto Transit Commission. The Minister of Transportation commissioned Price Waterhouse to conduct a study and a Report was submitted on May 21, 1992. At a meeting with officials from the Ministry of Transportation on July 29, 1992, the Amalgamated Transit Union, local 113, outlined their criticisms of the Price Waterhouse Report.

The ATU Local 113 felt the study

was fundamentally flawed and therefore did not provide a satisfactory basis upon which to proceed and develop a training system at the TTC. The main problems with the study identified by the Union are:

1. it was created through a research process which ignored the role of the Union and the existing labour/management relationship around job qualification standards and training issues at the TTC;
2. it is based on the false premise that the problems of transit reliability at the TTC can be explained by the skills of the workers in the rail maintenance department;
3. it is informed by an approach to training which does not meet the needs of either the workers or the management at the TTC.

The reason the HRP consultants reviewed this case study was that it afforded an ideal opportunity to evaluate a current training initiative sponsored by MTO involving the largest transit property in Ontario. The opinions expressed by Price Waterhouse and the documented concerns of the ATU point to a fundamental problem of skills in the Transit Industry, which indicated that the parties are at a critical threshold in the development of training structures in Ontario Transit. What happens at the TTC, clearly sets the tone for the industry, good or bad.

The union outlined the failure of the consultant to include the union in the research. It also documents the history of the involvement of the union in



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negotiating job qualification standards and training programs at the TTC.

The union after careful consideration of the Price Waterhouse Report felt that a new maintenance strategy and just-in-time training system as recommended were false and ill-founded. The consultant's findings were more likely to be destructive of the existing TTC training system and labour/management relations at the TTC.

The union's response identifies the approach to training in the Price Waterhouse Report as a "competency-based" approach and criticizes it as narrow, fragmented, and piecemeal training more suited to the technology of the past than the emerging technologies. In contrast to the "just-in-time" approach, the Union outlines the philosophy which is behind the job qualification standards and training programs which it promotes.

The union proposed that a co-determination mechanism be put in place to ensure that the unions at the TTC are fully involved in determining training needs and is designing and implementing training programs.

BACKGROUND

In making the announcement, the Minister stated:

"It is absolutely essential that workers' skills are developed to meet the challenges of the future. With that goal in mind, my ministry will undertake a review of opportunities to expand and improve transit maintenance training.

We will work with operators, unions, and colleges to establish training centres which will promote expertise in transit maintenance for the domestic and international market"

Based on the Minister's Announcement, the meeting with the Ministry of Transportation, and the Terms of Reference of the study, the unions had reason to expect:

1. they would be consulted throughout the study;
2. the focus of the study would be on upgrading the skills of workers and improving the quality of and access to training;
3. the eventual result of the study would be a training centre or centres created out of a partnership of operators, unions and colleges.

None of these expectations was met. The ATU was not included in the research process; the focus of the study was on the re-organization of the work process at the TTC; not upgrading workers' skills; and the promised training centres have disappeared from the discussion. HRP consultant Wally Majesky noted that if the playing field was not level for ATU Local 113, which is the largest transit union in Ontario (and Canada), then this is a bad omen for transit unions in general.

Wally Majesky (President, FP Labour Consultants)

"this happens time and time again on a host of other issues and the scenario is repeated at other transit properties throughout Ontario"

The exclusion of the union from the research process was not only contrary to the expectations of the ATU, it is also inconsistent with the training policy of the current Ontario government. The Ontario government has identified full employee involvement in workplace training as a priority. Where employees are represented by a union, this means full union participation. The government's consultation document on the Ontario Training and Adjustment Board (OTAB) describes one of four interconnected priorities of workplace and sectoral training as:

"Greater 'co-determination' of training and human resource development needs by employees and management. Training decisions should arise from a shared view of training needs and priorities. Developing this shared view is closely linked to issues such as work organization, job structure, and labour/management relations."

Contrary to the expressed training policy of the government, the Price Waterhouse Report proceeds as if the union has no interest in fundamental questions of work organization and job structure.

The Report does not acknowledge the extent to which training programs, job descriptions, training requirements, promotion requirements, job bidding and bumping procedures are regulated by collective bargaining arrangements and bipartite agreements.

In fact, the Report neglects to consider the two most important factors in the evolution of qualification standards



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and training programs and opportunities for Maintenance Department employees at the TTC ie.,

1. the strength and endurance of the TTC commitment to provide job promotion and training opportunities to all hourly rated employees;
2. the participation of unions at the TTC around such issues as training, promotion, job qualification standards through the institution of collective bargaining.

In the 1970s and 1980s, while big expenditures were being made to replace old transportation equipment, expand the vehicle fleet and introduce new technologies at a rapid pace, fiscal restraint in equipment and plant maintenance all but eliminated the long standing commitment of the TTC to train for future needs in terms of maintenance labour force development.

While the TTC's commitment to training and promotional opportunities began to wither and decline in the 1970s and 1980s, the Union's interest in and advocacy for more training and promotional opportunities increased. In many instances, while the TTC was satisfied with either outside hiring or greater reliance on ad hoc informal on-the-job training, supplemented by home study or college extension program attendance on own time, the union called for a broader spectrum of more in-house training. The union advocated a more structured approach to informal on-the-job training and classification progression, the formalization of information training and quali-

fication standards, and the establishment of formal training and qualification in areas where new technology had significantly changed job requirements.

The union cites a major obstacle to increased and improved training for maintenance employees the lack of priority given to this area of development by the TTC in terms of financial and other resources. The HRP consultants found that this was applicable to other transit properties in Ontario.

RISKS TO NEGOTIATED POLICIES, PRACTICES, AND AGREEMENTS

In ignoring the role of the union, the Report places at risk practices, procedures, policies and programs that are the product of a variety of agreements between the ATU and TTC.

The HRP consultants agree that the Report proceeds on a false premise, but note that on the surface the premise appears quite logical:

"It goes without saying that there is a direct relationship between the capacity of the workforce to provide good maintenance and the reliability of the vehicles. Therefore, it is critical that maintenance employees have the skills and ability to ensure the vehicles are working effectively. In summary, a key purpose of ensuring a quality, skilled workforce is

to increase customer service, thereby increasing ridership."

A study of training at the TTC should begin from the real problems identified in the TTC's own analyses of its strategic direction. It should not begin from the false premise that there is a major problem of vehicle reliability at the TTC based on maintenance problems. The union argues that the Price Waterhouse Report uses this incorrect assumption as the launching pad for a proposal for a re-organization of the rail maintenance function at the TTC. The plan it projects is believed to be destructive of both the existing training programs at the TTC and the relationship between labour and management built up over many years.

The union's position was for the TTC to get "back to basics" and revisit how the TTC made training a priority in earlier years. The training system put in place at that time and developed since through Union pressure should be strengthened and elaborated. This is the surest way to provide the "challenging and interesting work, self-development, recognition and opportunities for advancement" emphasized in the TTC's Long Range Plan.

The HRP consultants concur that in the Report, training is a "lever" to bring about a profound re-organization of work masquerading as a "refined" maintenance strategy. As argued, this is to be done without consultation with the union.

As mentioned earlier in this section, the approach to training advocated by



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Price Waterhouse is known as “performance based” or “competency based” training. Competency-based approaches involve breaking down skill into separate chunks and training workers to the level — and only to the level — required by a particular employer at a specific time. These chunks are described as “behaviours” or “competencies”. Training programs are geared to providing workers with those “behaviours” or “competencies” required by the employer when they are required.

Dr. Nancy S. Jackson, a professor in the Faculty of Education at McGill University, describes this form of training as follows:

“it promises basic no-frills learning designed to make you better at your job. It’s practical and oriented to performance. It’s task-specific and targeted to match immediate needs on the job. Because courses like these can be broken up into many different short segments, and precisely selected for particular individuals or workplaces, it is touted as flexible and learner-centred — you learn what you need, as you need it. For the employer, it’s cheap and adaptable.

For labour, however, it’s a disaster. Competency-based training is a form of learning from which both the short and long-term interests of workers have already been excluded. The employer imposes a narrow and short-sighted definition of “needs” favouring simplistic and mechanical goals, leading to learning which can be routine, shal-

low, even trivial. The apprenticeship system, designed to develop mastery in job performance has been substantially eroded over the last decade by just such partial approaches to certification.

Although competency training has been hailed as “life long learning” by some reformers who see it as a way to continuously enhance workers’ skills, it creates a workforce that is recyclable and disposable, rather than innovative and durable. Such a limited and specialized training, born to meet short term production needs, has a short shelf life. You might as well have a date stamp on your forehead.”

Elsewhere Professor Jackson has described the link between competency-based training and the re-organization of work. According to Jackson, the re-organization of knowledge associated with competency based training:

“...lays the ground for new forms of shop floor work arrangements which undercut existing collective agreements and for new approaches to “human resource management” at the level of the firm as well as the state. It facilitates a new approach to decision making not only about hiring, lay-offs and training, but also to basic tools of labour market management such as occupational classification and eligibility for unemployment insurance.”

There is also a jeopardy to apprenticeship, where competency training has little in common with traditional apprenticeships. What is proposed in

the Report is “modular” rather than apprenticeship training. As the report states on page 50: “The modular approach to training is performance based “as opposed to time based”. The programs are not regulated under the Apprenticeship and Tradesman’s Qualification Act. The training is in fact a classic example of the “competency” or “performance-based” training described above. Rather than an upgrading of workers’ skills, this approach amounts to an erosion of genuine apprenticeships.

The Ontario Federation of Labour adopted a policy position which states that competency based training fails both labour and management. It states:

“The current ‘time-based’ programs, that provide an adequate period for the apprentice to learn from the journeyperson, must continue and not be replaced by the “competency-based” approach.

So-called “competency-based” training assumes that all the skills a tradesperson needs can be identified, listed and tested. It takes training out of the relationship between the journeyperson and apprentice. It denies that all trades are an art and a science. It fails to recognize that there is no substitute for experience which only comes with time”.

In the opinion of the Premier’s Council, the restrictive and fragmented approach to training characteristic of competency-based approaches was “designed to serve the age of the assembly line”. Increasingly, what is being



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sought are broader and more integrated forms of knowledge, more systems comprehension, more 'feel for the engine'.

HRPA Consultants Training Recommendations

Recommendations and Principles

1. Training policy must be guided by human resource planning focused on the all round developmental needs of workers through structured programming.
2. Transit properties should establish, expand upon and formalize its traditional policy that every employee is given the opportunity for career progression.
3. Formal apprenticeship programs should be viewed for traditional mechanical and building construction and maintenance trades.
4. Formal apprenticeship programs should be expanded to include all identifiable trades (both old and new).
5. Apprentices and Trainees should not be used to replace or substitute for qualified positions in the established work force.
6. Whenever possible, all theoretical and practical training should be conducted at the workplace in training facilities, during normal daytime working hours, without interruption of income. Where possible, community college instructors should come on-site.
7. The development, implementation and administration of training programs should be subject to joint union management training structures (JWTCS).
8. Institute a program of ongoing upgrading and/or review of trades training to certified mechanics and technicians so as to provide certified extension to their qualified trades status with respect to specialized equipment or new technology or new technology.
9. Develop in-house union trainers and examiners to provide shop floor and classroom training, instruction, certification and career counselling.
10. Establish mechanisms to enable full union involvement in the development and administration of training and skills development programs.
11. Establish SSC (Sectoral Skills Council) between the ATU and OUTA in the Ontario Transit Industry.
12. Establish a complementary component to the Centre for Transit Improvement (CTI) entitled "Centre for Human Resource Planning" which allows transit unions to address all the problems that are currently cropping up at all municipal transit properties.

**HUMAN RESOURCE PLANNING AUDIT**

STEERING COMMITTEE

January 11, 1993

Summary of Discussions

ATTENDING:

Mr. Ken Foster, ATU Canadian Council
Mr. Wally Majesky, FP Labour
Mr. Gary Majesky, FP Labour
Mr. Larry Kinnear, ATU Toronto
Mr. Paul Lauzon, ATU Windsor
Mr. Ron Seguin, ATU Windsor
Mr. Robert Leathorn, ATU London
Mr. Dan Campbell, ATU Thunder Bay
Mr. Ray Desormeaux, ATU Niagara Falls
Mr. Claude Belanger, ATU Hamilton
Mr. Doug O'Connell, ATU Brantford
Mr. Robert Pepper, ATU Mississauga
Mr. Simon Clarke, ATU GO Transit
Mr. Paul Kebic, ATU Hamilton
Mr. Brian Meighan, Ministry of Transportation
Mr. Twiab Khan, Ministry of Transportation
Mr. Dave Ferguson, Ministry of Transportation
Mr. Al Cormier, OUTA
Mr. Ed Dowling, Mississauga Transit

LITERACY DISCUSSIONS

Simon Clarke expressed concern about a testing regime that has been developed by GO Transit and which is being applied to bargaining unit employees. Simon indicated that GO Transit informed the union that 65% of Bargaining Unit employees who have taken these tests have failed. The position of the union was that if over one third of the Bargaining Unit has a literacy numeracy problem (meaning they cannot achieve the new corporate standard) then it is time for GO Transit to start a workplace education program.

Bob Pepper indicated that Mississauga did extensive testing and felt that there is a hidden cost of a highly ethnic workforce in that employees need help writing reports, etc.

Wally Majesky noted that his experience in labour education is that numeracy and literacy makes a better and more capable trade union member, and helps stop exploitation on both sides. Ron Seguin was concerned that some members expect the union to baby sit and fill out all forms. The union is becoming the official signatory on behalf of members. Not sure whether this is laziness or inability to read and write.

Ken Foster reported that Ottawa has been involved in the Best Program delivered through the Ontario Federation of Labour.

Larry Kinnear highlighted the Toronto situation and their experience with the Labour Council of

Metropolitan Toronto where the literacy program was taught in-house. Larry indicated that the program was a success which encouraged the union and company to be more sensitive and conscious to this workplace problem. Also the TTC further learned through the implementation of the WHMIS, that serious language barriers exist within the corporation and are problematic.

Paul Kebic noted that job postings at Hamilton used to indicate that Grade 12 or equivalent was a necessary prerequisite for employment. His concern was, "what is the industry rule of thumb with respect to credentialism in the transit industry?"

TRAINING IN PUBLIC TRANSIT - ROUND TABLE

Dan Campbell described the training culture as non-existent. Initially, the maintenance department only dealt with the same bus for 20 years. No real motor vehicular technological change in any real sense. Yet when new buses arrived on the property, the manufacturer does the training of one person who then disseminates the information to other workers (mentoring model).

Paul Lauzon noted that Windsor has the same procedure as Thunder Bay i.e., one mechanic goes to manufacturer to learn, who then comes back to the work place and shares information with employees. Methanol bus technology was an example.

Doug O'Connell noted in Brantford,

there are 40 operators and 10 mechanics. Training is off-site for mechanics, who then come back and share information with fellow employees. The union is dissatisfied with management attitudes regarding training and an absence of a training culture within the transit system.

Ray Desormeaux of Niagara Falls echoed the Brantford situation, especially with mechanics. But more importantly, bus drivers get worse training. His experience is that bus drivers don't know how to train new operators. New and old drivers have difficulty with rules, regulations, but more importantly, operators are not adequately trained, especially in dealing with patron problems.

Paul Kebic noted that there is a structure to the training regime at Hamilton. The most prevalent training model is where the senior person in the department gets the training who then in turn trains the junior person. In addition, there is corporate support for paid education for certain programs.

Robert Leathorn indicated that London provides training for maintenance. London Transit tried to train people for 3 hours a day on employees day off. The employer pitch was that your (employee) attitude has screwed up ridership, etc. There is no training for bus brakes, rules/regulations, collective agreement provisions, etc. In terms of company notices, there are standing orders. All employees are to

TRAINING IN PUBLIC TRANSIT - ROUND TABLE

read them and sign that they are read. Further updates are not circulated and are locked away.

Ken Foster noted that the industry needs a consistent and uniform provision concerning language in the collective agreements with respect to new employee orientation. Particularly, the language should provide that new employees come to the union office and learn about the ATU. As it now stands, the transit properties are the

union ambassador, they tell union members that the union does nothing and just wants your money.

Bob Pepper felt that manufacturer warranty drives training. Some workers get lots of training, others get none. New maintenance staff had no orientation, re the trade union. With respect to operators, they have a good regime, i.e., 1 week in class, 1 week driving, 1 week with another driver (3 weeks in total). In addition, every 2-3 years

operators get a refresher course.

Claude Belanger indicated that Hamilton has a training department, staffed with former HSR employees. The training department also trains other city employees. They also get to approve drivers for their class B license. With respect to maintenance, there isn't that much training. Recently, when the HSR received CNG buses, HSR sent the supervisor to California, who then becomes the workplace trainer.

LITERACY-NUMERACY TRAINING

Al Cormier indicated that they had some experience with a bus maintenance program with Centennial where the curriculum had to be modified. The reason was that a few hours of basic literacy numeracy training was necessary which no one anticipated. Perhaps the classroom model of education delivery might not be as strategic, whereas training integrated into the workplace (shop floor) might be more adaptive to the needs of the workers/trainees.

Ed Dowling indicated that in the delivery of the Mississauga Transit WHMIS program, he piggy-backs on the city program. Further he indicated that some maintenance personnel and operators have difficulty with English, yet the problem has not been quantified.

Twiaab Khan noted that mechanics may be technically literate, and maybe we have several different definitions of literacy. There must be an ability for mechanics to deal with new technology, and we (government) have an obligation to pursue it.

Dan Campbell noted that the Ontario

Federation of Labour has the BEST program. In instances where we are re-inventing the wheel perhaps the transit properties and the unions should be resourcing.

Have jobs evolved in conjunction with technology whereby new technical vocations have been created? (DOT - dictionary of occupational titles)

Dave Ferguson noted that there is a need to piece together the multitude of transit industry training funding requests so that the Ministry isn't nickled and dimed to death. What is the potential to start consolidating the training so that there are economies and uniformity of structure and not 56 disparate training regimes going off in 56 different directions. Consensus that we need to have a solid "training the trainers program"

Robert Leathorn cites the mentoring model as the prevalent training program for formal and informal training.

Dave Ferguson indicated that the Ministry of Transportation has and is still committed to review vehicle purchases, and perhaps buy training from

suppliers. What needs to be measured is the quantum with respect to the real training requirements precipitated by new technology acquisition.

Dan Campbell raised a serious concern with the portability of information. A positive presumption exists that "technology transference" works, either informally or formally in the workplace. The flaw with the presumption is that information is so complicated it is not easily shared or communicated. Further, leaving communication to the internal workplace dynamics fails to recognize social patterns and biases inherent in workplace relationships. A failure to structure and formalize training leaves training to the vagaries of personal preference and biases of those that possess knowledge. Thus there is a potential for abuse of process where individual workers are outside the "corporate family" In addition, when vehicles break down, a determination must be made whether the problem is a defective vehicle or defective mechanic (not in a culpable disciplinary sense).

Claude Belanger added that his mem-

bers cannot work on Compressed Natural Gas buses (CNG's) and that Orion comes in to perform maintenance work. This is a form of contracting in, but more importantly, there must be clear Ministry rules governing dissemination of warranty programs relating to vehicle purchases. The consensus of the transit unions is that warranty programs are shrouded in secrecy, which is unfair given that the Ontario Ministry of Transportation funds the lion's share of these acquisitions. Further, experience indicates some abuse of warranty programs, detrimental to bargaining unit members.

Dave Ferguson re-iterated that training is a high priority with the Ontario Government - and that MTO is willing

to consider tying training to capital purchases.

Al Cormier, although not laying individual blame, indicated that the transit industry has a long way to go. There is a big need for operator and mechanics training in the industry. There are no apparent industry standards. No uniformity. It appears some employees get training. Though he noted there are bright spots in the industry, i.e., Heavy Duty Mechanic training program. In addition, there are some transit properties that have no job descriptions for various positions.

Ed Dowling noted that training, although important and laudable, takes time away from productivity. Also, his

impression is that more training exists at the maintenance level.

Dave Ferguson expressed a need for the transit industry to develop more standardization and uniformity regarding training. Also, the challenge for the industry is to maximize service levels and minimize costs!

Wally Majesky noted that a fundamental challenge is grappling with the training issue, and whether or not the model is one of a centralized or decentralized model. There are pluses and minuses to each form, and perhaps a balance can be struck with respect to delineating regional needs and measuring this against economy.

PRODUCTIVITY AND THE TRANSIT INDUSTRY

Ed Dowling responded to discussion regarding organizational reviews, and indicated that contrary to industry trends to hire consultants to justify staff reductions, that he wanted a full system review, and not a witch hunt for lazy or idle bargaining unit members. He noted his properties recent involvement with the MTO, whereby Brian Sherdon was seconded to coordinate the study and review at Mississauga Transit.

The Steering Committee agreed that the HRP should identify and review the different productivity models currently under way or completed in the Ontario Transit Industry.

Ed Dowling noted that certain productivity units of measure are meaningless i.e., mechanics per vehicle ratio.

Dan Campbell added that climate creates different pressures on vehicles, the related maintenance programs, and vehicle life expectancies. This seems absent from standardized MTO decree's regarding vehicle life expectancies.

Dave Ferguson noted that it is up to the municipality, but it is his view that both politicians, management and labour should be part of the selection process of a operational review consultant. And clearly, any terms of reference with respect to process include labour participation. The MTO clearly and unequivocally support a management/labour approach to productivity.

Wally Majesky added that the co-determination model is flawed. Specifically, trade unions are over-powered on the basis of technical and staff

resources so that any appearance of trade union involvement by its very nature is token and relegated to a cheer-leading role. Typically, the trade unions are under resourced for fully participating in these intellectual, technical, and professional forums.

Twia Khan noted that it may make sense when considering funding applications from management, that a line should exist which say the relevant trade union receive some money for review of the study from their perspective, if so applicable.

Dave Ferguson disagreed with this approach. He didn't want to be funding duelling consultants. Dave believed that the ATU Canadian Council should centrally deliver these services.

SERVICE DELIVERY MODELS AND RIDERSHIP TRENDS

Al Cormier believes the industry must get away from conventional 40 ft buses. The trend towards taxi's and dial-a-bus is a continuing search.

Dave Ferguson is advocating a family of services approach. A derivative of a niche marketing approach, which maximizes service and minimizes cost. Markham is an example where they significantly reduced costs?

Wally Majesky responded. How, on labour?

Ken Foster indicated that the service issue has many different perspectives. Politicians demand service where there is no demand. The ATU is worried about service from a privatization and contracting out scenario.

Dave Ferguson noted that privatization versus public delivery is an issue which warrants further examination ie., Durham.

Al Cormier added that political routes can't justify service with 2-3 passengers per hour. Conversely, the transit industry is losing captive passengers unless service is good.

Wally Majesky added that the HRP will examine this issue, and attempt to

measure and catalogue what transit properties do to develop service and demographic strategies.

Al Cormier noted that we don't know our market. We must look at the Quebec model. Ontario market hasn't been adequately researched.

Ed Dowling indicated that we don't talk enough to our passengers. The industry also needs more focus groups with operators. We must set-up an on-going mechanism to tap into passenger attitudes.

Dan Campbell asked management to do this kind of study ie., customer survey. The industry must move away from statistical analysis with the Mayor at the top of the pyramid, and the customer at the bottom.

Claude Belanger indicated that HSR will also survey every route and ask riders questions. Al Cormier felt that model is flawed.

Wally Majesky asked what is the appropriate role of labour in service monitoring, and further, what models exist like focus groups, believing these small groups tend to provide better quality feedback.

Ron Seguin couldn't get Windsor to examine Transit Windsor. After a labour dispute they cut service and raised fares. They tended to gut the bottom and top end of routes. We went from \$400,000 deficit to \$3.5 million. Transit Windsor does a poor marketing job.

Dave Ferguson noted that Windsor's R/C ratio is in the 60-65% range. When R/C performance was 70/75% from fare box, there was no problem. Windsor is still going to hit its target of 60% (+/-)

Al Cormier said this raises a question of reporting relationships that transit properties have with City Council. Perhaps more regular reporting might mitigate against sudden shock syndrome ie., farebox revenue shortfalls due to declining ridership

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Respectfully prepared by

FP LABOUR CONSULTANT SERVICES

Gary Majesky

Executive Vice President

Secretary, HRP Steering Committee



**HUMAN RESOURCE PLANNING AUDIT**

STEERING COMMITTEE

May 6, 1993

Summary of Discussions

ATTENDING:

Mr. Ken Foster, ATU Canadian Council
Mr. Wally Majesky, FP Labour
Mr. Gary Majesky, FP Labour
Mr. Larry Kinnear, ATU Toronto,
Mr. Paul Lauzon, ATU Windsor
Mr. Ron Sequin, ATU Windsor
Mr. Robert Leathorn, ATU London
Mr. Dan Campbell, ATU Thunder Bay
Mr. Ray Desormeau, ATU Niagara Falls
Mr. Claude Belanger, ATU Hamilton
Mr. Doug O'Connell, ATU Brandtford
Mr. Robert Pepper, ATU Mississauga
Mr. Simon Clarke, ATU GO Transit
Mr. Paul Kebic, ATU Hamilton
Mr. Brian Meighan, MTO
Mr. Dave Ferguson, MTO
Mr. Twiab Khan, MTO
Mr. Dave Roberts, CTI
Mr. Ed Dowling, Mississauga Transit

PART-TIME OPERATORS

Mississauga (Bob Pepper)

Labour relations are relatively good. Recently, Mississauga hired new operators. Some additional service. Part-time does occasionally resurrect itself, though the union leadership and membership will never accept part-time operators. In other jurisdictions it has destroyed the bargaining unit.

Brantford (Doug O'Connell)

Part-time operators has never been an issue with the ATU membership in this location. In fact, the presence of temporary operators in the collective agreement was precipitated by the operators. The main purpose of "temporary operators" is for vacation periods. This is clearly distinguished from a part-time operator on a 12 month basis working a reduced work week.

Niagara Falls (Ray Desormeaux)

Falls shuttle service, the union allowed the employer to use probationary employees to perform shuttle service. Yet, there appears to now be some difficulty in getting probationary employees converted to full-time status. Some abuse appears to exist with this arrangement.

Hamilton (Paul Kebic)

Part-time help a big problem. There was a lot of part-time help around in the bargaining unit (inside workers), and these employees were used for 6 months intervals. Though there was a growing tendency on the part of the employer to lay-off workers 2 weeks before their contracts expired. To cope with these "within the window clauses" the union has an agreement that as long as an employee as 6 months work in a year, then they qualify for membership in the trade union.



STEERING COMMITTEE MEMBERS: Mr. Ken Foster, ATU Canadian Council, Mr. Wally Majesky FP Labour, Mr. Gary Majesky FP Labour, Mr. Larry Kinnear ATU Toronto, Mr. Paul Lauzon ATU Windsor, Mr. Ron Sequin ATU Windsor, Mr. Robert Leathorn ATU London, Mr. Dan Campbett ATU Thunder Bay, Mr. Ray Desormeau ATU Niagara Falls, Mr. Claude Belanger ATU Hamilton, Mr. Doug O'Connell ATU Brantford, Mr. Robert Pepper ATU Mississauga, Mr. Simon Clarke ATU GO Transit, Mr. Brian Meighan MTO, Mr. Dave Ferguson MTO, Mr. Twiab Khan MTO, Mr. Dave Roberts CTI, Mr. Ed Dowling Mississauga Transit

Hamilton (Claude Belanger)

The operators don't have any provisions for part-time. In fact, the trade union took a strong stand against part-time which perhaps deterred the employer from pursuing the issue. Though incidentally, there are some temporary (casuals) in maintenance.

GO Transit (Simon Clarke)

The trade union went to arbitration on part-time issue during the Al Leach's tenure of the corporation. As a result of that legacy, GO Transit just hired more part-time operators for the summer. There appears to be no cost savings to GO Transit. Also, no part-time operators work week-ends as this causes problems with the deployment with full-time operators. The trade union constantly tries to fix a % quota PTO/FTO, but GO Transit produces a

Public Service Labour Relations Tribunal decision at the union which gives GO Transit somewhat liberal latitude with respect to part-time staffing levels and scheduling. The trade union also notes that there is a 2 year period before part-time operators graduate into the full-time ranks. Also, scheduling at GO Transit does not attempt to generate as many full-time operator schedules (7.5 hours of work), and the trade union believes that the absence of strict % quota's on the staffing ratio clearly is open to abuse. In terms of the political reality, the issue was paramount prior to the introduction of part-time operators, but the issue has become less significant in terms of political priority for the trade union and the employer. The sad reality is that any trade union in the transit industry needs a very good argument to get around part-time oper-

PART-TIME OPERATORS

ators. To their benefit, management has done a good job why transit systems need part-time operators.

Windsor (Paul Lauzon)

Whether the term is part-time, temporaries, or reduced employment personnel the issue has quite a history. Most recently, it resulted in a 10 week strike in 1991. The trade union cites the experience of part-time workers in other operational areas of the transit system and indicates that attitudes of part-time workers is poor. In the administrative area, they have part-time workers who work 7 hrs, yet staff get 12 hrs. The union staff are upset since part-time get the overtime, and the bottom of the barrel extra work then goes to full-time workers. In respect to scheduling, transit workers enjoy a 37 hour guarantee. If we work 20 hrs. the workers still receive 37 hrs. pay. Recently, management has argued that workers are being paid for not working, usually harping about the 37 hour guarantee. The union argues that if your paying staff, send service out on the street. There were recent, but infrequent instances where 25-30 operators worked 20 hrs. but got paid 37 hrs. In these types of situations the trade union is vulnerable to public relations fiasco's when the employer cites one-off situations. This type of inflammatory political campaign is more common place in a tough fiscal climate.

Thunder Bay (Dan Campbell)

The trade union notes that there were a lot of part-time operators in 1991. The employer saw the error of their ways and are now moving to full-time operators. Some of the reasons was the high attrition rates. Training took 3 weeks, which given the high turnover resulted in money being wasted on

training. In terms of the overtime issue, it is the position of the trade union that overtime is the employment penalty for over working workers. The remedial concern for management is that they should staff the transit system at appropriate levels, thus minimizing the overtime liability.

Mississauga (Ed Dowling)

Part-time is not an issue for the employer. Also careful to point out that Mississauga has never exercised the part-time option. Senior management believe that better utilization of spare board can achieve substantial savings with less political grief. The biggest challenge for management is meeting the 8 hour guarantee, while scheduling around the peaks and spread. Brampton runs summer service with part-time operators. In Edmonton, there was 35 part-time operators. This is now down to 10.

Centre Transit Improvement (Dave Roberts)

As we continue to go, the peaks will always be there. The immediate challenges for transit systems is summer reliefs, and days off.

Wally Majesky (FP Labour Consultants)

If there is going to be less funding for transit systems, how does one combat working 20 hours in those isolated instances and maintain the benefits of a 37 hour guarantee.

Toronto (Larry Kinnear)

The trade union and management came up with the combine worker. Have a maintenance mechanic who has a licensed operators ticket to do a peak hour piece in the morning, and goes into the garage to complete the

balance of the shift. Clearly, this has to be negotiated and established quota's need to fixed to make the system work. Also, this should also be predicated on a volunteer basis, as much as possible.

Mississauga (Ed Dowling)

Dollars are scarce. People don't sympathize with empty buses. Less service means job losses. There comes a point when we bastardize the system. Brampton cut Sunday service. Perhaps we have to cut the runs with 3-4 riders in certain periods of the day. This approach may be more suitable than major service adjustments that eliminate entire "Sunday service"

ATU Canadian Council (Ken Foster)

As much as I hate to admit this fact, it appears to be a reality that smaller properties cannot survive without part-time operators. More importantly, the whole public relations program of public transit isn't getting the message across. As much as we are in the same business as OUTA and CUTA, one is really hard pressed to see their public relations visibility. This is not a knock at Al Cormier. The fact is that public transit is not topical. Or perhaps we haven't found the right combination. And whatever we do hear in the media indicates that the future is not bright. CUTA/OUTA huddle in hotels with industry players and talk about modal shift efforts and piggy-backing on the environmental movement. Yet this approach hasn't been able to attract flies to honey. That's a fundamental dilemma that we are faced with. And considering the amount of money that the government spends, no one is able to make transit more viable in a public relations sense.

Mississauga (Bob Pepper)

A team has been established to review rosters and to determine if some runs can be converted or absorbed into a 10 hour/4 day work week. There has to be a minimum number of runs which can be bundled in this configuration. In fact, if this doesn't take place, there is the potential for political recrimination if this cannot be secured.

Niagara Falls (Ray Desormeaux) - The trade union approached the employer on this issue. Some runs squeezed into a 10 hours day. Management insisted, whether rightly or wrongly, that this arrangement (10 hours/4 day work week) would cause scheduling problems.

Hamilton (Paul Kebic)

Not feasible in the inside workers bargaining unit. The trade union would like to see some form of it, but there is some reluctance both within the bargaining unit, but more importantly, the employer.

Toronto (Larry Kinnear)

The trade union agreed to 10 hour shift/4 day work week in Wheel Trans. The fact is when you start pushing a vehicle around 12 hours a day, you don't own your life. Members want straight 10, not in 12 hours either. Issue may be in for trouble in Wheel Trans, lots of pressure from operators. Membership got a taste of it, sounds great to the members on the surface.

London (Bob Leathorn)

Set-up a Task Force like Local 508, and their situation is similar. Union conclusion was that it was not a good deal. The draw backs for the trade were: it would eliminate travel time, minimize travel time, less shifts, and less cost to management. The committee is going

to meet once every 3 months and is selecting members from the floor. The bottom line is that although 10/4's are wanted and attractive to a certain % of the membership, it has drawbacks on other shifts.

Windsor (Paul Lauzon)

Two contracts ago, the employer presented a 10 hour/4 day work week but the trade backed off. After the strike in 1991, cooperation and experimentation died. Now the issue is off the table and not going anywhere at present.

Thunder Bay (Dan Campbell)

Maintenance wanted it. Trade union President was almost lynched. The analysis is that to accommodate 20% of the membership who wanted it, it screwed up the other 80% of workers.

Mississauga (Bob Pepper)

A committee tried to make whole sign-up better, that's the checks and balances. The key to optimising scheduling is to identify bad parts of the sign-up.

Toronto (Larry Kinnear)

The biggest complaint of late is when an operator works a 5 day work week, difficulties arise when overtime becomes available. The issue of equitable distribution is a constant sore that in an organization our size constantly gets rubbed the wrong way.

GO Transit (Simon Clarke)

50/60 operators like 10 hour/4 day work weeks. Operators have long days anyway, therefore might as well maximize productive hours if possible, and enjoy 3 day breaks that typically flow from that schedule.

Mississauga (Bob Pepper)

Scheduling is a complicated process.

We have an open door policy with schedulers. Drivers can talk to schedulers, but without question there are constant frictions ie., transfers. Management ensure that they ride system after every sign-up. It generally takes 11/2 weeks for the members to cool down. The greatest problem is that computer scheduling programs don't recognize routes/runs, only recognize union contracts. It typically takes a joint labour/management committee 3 days to sort out. This is a constant battle, and trade union representatives take much abuse from membership post sign-up. Historically, it's been the vice president who is responsible for de-bugging the schedule. As well, it takes approximately 11/2 years to learn the job. The biggest complaint as trade union representatives is that we have no knowledge or education in the mechanics of scheduling. It's also something that the union/management discuss. The employer pays for the union representative time-off for sign-up activities.

Brandtford (Doug O'Connell)

Transit system has no computer software. Done manually. Union meets with management before sign-up. They look at farebox to determine routes. City Hall is big brother, they appear keen on service cuts.

Niagara Falls (Ray Desormeaux)

System is outdated. They take existing routes and add to it. Obviously, its difficult to keep schedule. The union has long believed that routes are not cobbled together properly. Also have electronic fareboxes.

Hamilton (Claude Belanger)

We do the sign-up. 3-4 people from

TEN HOUR SHIFT/4 DAY WORK WEEK

the union are trained for sign-up. Management pays a little. Some of our worst enemies are our own members. Members run ahead of schedule. Feedback from schedulers is critical, though it appears they have little input into the corporate priorities with respect to scheduling. Schedulers are adamant that they could schedule better service.

Toronto (Larry Kinnear)

One of the realities is that hours of work appear fairly constant. Though there are opportunities for optimization. In some instances workers have to adjust their schedules (start/stop) Shift adjustments in some areas may be critical. We have to be honest. Idle workers don't reflect well on productivity. That is why we have entered into a shift adjustment program that may prevent the abuse that occurred in Hamilton regarding the twilight shift (8:00 p.m. - 4:00 a.m.) Clearly, we have averted the dangers getting into a twilight shift by amending morning and afternoon shifts in the following way i.e., 7:30 a.m. is bumped up to 9:30 a.m. and 4:30 p.m. is bumped up to 6:30 p.m.

GO Transit (Simon Clarke)

Perfect schedule not achievable. Some work cannot be combined. We try to keep all day work together. Program parameters are constantly changing, thus messing up program outputs (schedules). Rigorous maintenance program takes care of service work. No problem with maintenance. On service lines, when there are no buses around, you can't sit around. We combine classifications, cleaners can work as helpers, where possible. They get tope wage rate, but flexibility outweighs drawbacks.

LONDON (Bob Leathorn)

Union believes that scheduling is a major problem. One of the cited reasons relates to the absence of travel time. As a result, the whole scheduling system has disjointed parameters when it cobbles work assignment together. Management appear to not care where operators start or stop their shift. The human factor is absent as a scheduling consideration. And if it is, it's only a marginal concern. There is a committee to address problems with scheduling. As a result, there is an on-going problem with sign-ups, and appear to be worse now. There is also an indiscriminate changing of relief points which appear unrealistic. GO Transit (Simon Clarke) - There is a great need in the industry for tight rules and regulations for scheduling. All locals should formalize the process. There is also a greater need for input into scheduling. At present, the model is a customer driven system. the industry must begin to balance input to take into consideration operator oriented concerns.

WINDSOR (Paul Lauzon)

Currently there are 17 mechanics, all on the day shift, with 105 buses. 85 buses are usually out for the complete day. Quite often, night shift have to retrieve coaches. Windsor encountered a classic confrontation with current scheduling system in place when it was introduced in the early 1980's. In fact, it resulted in a wildcat strike. This resulted in schedules which did not take into account the human factor, had poor connections, which in turn caused the public to be abusive towards transit employees. Since that time, a run improvement team is in place. There is also protection in the collective agreement which allows the

employer to review schedules, and they also pay the union 2 days to allow for a union representative to review schedules. The union also pays for an additional book-off day.

THUNDER BAY (Dan Campbell)

Management uses Trapez. Ultimately it's a tool, if the handler doesn't know how to use the tool, you have problems. When you look at the mechanical limitations of computer programs, they show us how to cut service. As a result, excessive computerization of the scheduling process takes the common sense and intellect out of the scheduling. Further, scheduling programs have no morales or concerns regarding the operator, nor are these programmed into the system parameters. They are mathematical models only.

MISSISSAUGA (Ed Dowling)

Dowling noted that computer programs only as good as the programmer. Computer doesn't know what's on the street. It's the parameters that count. You try to catalogue all the inputs so that the schedules reflect a greater realism, but in the end you must accept that it isn't a perfect science. Therefore, it's imperative to get union input.

TORONTO (Larry Kinnear)

Clearly, given the operational reality that scheduling is an important core activity of management and union personnel alike, it appears that union representatives require a greater degree of training regarding scheduling. This is also for day-to-day scheduling situations and problems; but also to begin developing an internal expertise which can be used to investigate and examine new scheduling innovations which might draw suspicion due to misunder-

standing. This might allow transit trade unions to become entirely more flexible and open to various scheduling proposals, either employer or union generated.

**ATU CANADIAN COUNCIL
(Ken Foster)**

The trade union must begin to investigate whether training can be provided

to allow trade union officials assigned to monitor schedules to acquire the necessary skills to perform this vital function.

**MINISTRY OF SKILLS
DEVELOPMENT
(Sid Karlinsky)**

1 trade designation. All trades will be under one qualification.

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Gary Majesky

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Secretary, HRPAs Steering Committee



HUMAN RESOURCE PLANNING AUDIT

Final Report February 1994 Ontario Public Transit



KEN FOSTER, ATU CANADIAN DIRECTOR

The ATU Canadian Council sponsored the HRP project believing that the time was right for all transit stakeholders to turn their minds to concerns and perspectives of transit workers in respect to a whole range of issues facing public transit. More importantly, the HRP study has allowed the ATU to better understand and participate in the process of change, training, and labour relations, while promoting labour management partnerships as a vehicle for change. This report represents an important starting point as we prepare to enter the 21st century.

ABOUT THE CONSULTANTS

FP Labour Consultants is a multidisciplinary firm providing specialized services to the labour movement, government, and industry. The firm also provides expertise in pay equity, housing, publishing, workplace literacy, vocational training, labour relations, research and policy analysis, labour market adjustment, conferences, and acts as labour/management facilitators in a variety of forums.



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